

# THE LEGISLATIVE COUNCIL OF THE GOVERNOR OF MADRAS.

**Monday, the 11th November 1935.**

The House met at eleven of the clock, Mr. President (the Hon. Mr. B. RAMACHANDRA REDDI) in the Chair.

## PRESENT:

- |                                                                           |                                                                          |
|---------------------------------------------------------------------------|--------------------------------------------------------------------------|
| Reddi Nayudu, <i>Kt.</i> , The Hon. Rai Bahadur Sir K. V.                 | Nanjappa Bahadur, Subadar-Major S. A.                                    |
| Pannirselvam, The Hon. Rao Bahadur A. T.                                  | Narasa Reddi, Mr. T.                                                     |
| Butter, c.s.i., I.C.S., The Hon. Mr. C. A.                                | Narasimhaswami, Rao Sahib D. V.                                          |
| Bracken, c.s.i., c.i.e., I.C.S., The Hon. Mr. G. T. H.                    | Narayanan Nambiyar, Mr. V. P.                                            |
| Raja of Bobbili, <i>K.C.I.E.</i> , The Hon. the Rajan, The Hon. Mr. P. T. | Natesa Mudaliyar, Diwan Bahadur C. Palat, Mr. R. M.                      |
| Kumaraswami Reddiyar, The Hon. Diwan Bahadur S.                           | Patnaik Mahasayo, Sriman M. G. Patro, <i>Kt.</i> , Rao Bahadur Sir A. P. |
| Abdul Hameed Khan Sahib Bahadur.                                          | Pattabhiramayya, Mr. K.                                                  |
| Ahmed Meeran Sahib Bahadur, A. M.                                         | Pocker Sahib Bahadur, B.                                                 |
| Alamelumangathayaramma, Mrs. K.                                           | Premayya, Mr. G. R.                                                      |
| Annamalai Chettiyar, Mr. S. A. A.                                         | Rajagopala Pillai, Mr. P. V.                                             |
| Appadurai Pillai, Diwan Bahadur A. Arasu, Mr. V. T.                       | Raja of Parlakimedi, The.                                                |
| Ari Gowder, Mr. H. B.                                                     | Ramachandra Padayachi, Mr. P. K.                                         |
| Basheer Ahmed Sayeed Sahib Bahadur.                                       | Ramakrishna Reddi, Mr. A.                                                |
| Basu Dev, Mr. C.                                                          | Ramalingam Chettiyar, Diwan Bahadur T. A.                                |
| Boag, c.i.e., I.C.S., Mr. G. T.                                           | Ramamurti, Rao Sahib Pandit Ganala.                                      |
| Dalavoi, Mr. R.                                                           | Ramaswami Ayyar, Mr. T. S.                                               |
| Davis, Mr. J. A.                                                          | Ramaswami Mudaliyar, Mr. V. M.                                           |
| Devadasan, Mr. M.                                                         | Rameswara Rao, Mr. G.                                                    |
| Dharmalingam Pillai, Rao Sahib V.                                         | Ranganatha Mudaliyar, Mr. G.                                             |
| Foulkes, Mr. G. F. F.                                                     | Rangaswami Reddi, Mr. M. B.                                              |
| Gopalaswami Mudaliyar, Diwan Bahadur M.                                   | Ratnasabhapati Mudaliyar, Diwan Bahadur C. S.                            |
| Indrayya, Mr. C.                                                          | Reid, Mr. D. M.                                                          |
| Jagannatham, Mr. H. M.                                                    | Rukmani Lakshmipathi, Mrs. A.                                            |
| Javad Hussain Khan Sahib Bahadur, Khan Bahadur.                           | Russell, I.C.S., Mr. T. B.                                               |
| Jayaram Nayudu, Rao Sahib C.                                              | Scott Brown, I.C.S., Mr. W.                                              |
| Jones, I.C.S., Mr. C. E.                                                  | Simhachalam Pantulu, Mr. G.                                              |
| Kesavaramamurti Nayudu, Mr. K.                                            | Siva Raj, Rao Sahib N.                                                   |
| Koti Reddi, Mr. K.                                                        | Smith, Mr. J. M.                                                         |
| Krishnayya Choudari, Mr. P. V.                                            | Sreshta, Mr. M. S.                                                       |
| Krishnamurti, Rao Bahadur D.                                              | Srinivasan, Rao Bahadur R.                                               |
| Kumararaja of Venkatagiri, The.                                           | Sriramulu, Mr. G.                                                        |
| Madanagopal Nayudu, Mr. R.                                                | Subrahmanya Bhatt, Mr. U. C.                                             |
| Manikkavelu Nayakar, Mr. M. A.                                            | Sundara Rao Nayudu, Mr. T.                                               |
| Moidoo Sahib Bahadur, Khan Bahadur T. M.                                  | Syed Tajuddin Sahib Bahadur, Khan Sahib.                                 |
| Moses, Mr. P. C.                                                          | Thangal, Mr. P. M.                                                       |
| Muniswami Pillai, Rao Sahib V. I.                                         | Uzielli, c.i.e., I.C.S., Mr. H. R.                                       |
| Murugappa Chettiyar, Diwan Bahadur A. M. M.                               | Vasudeva Pillai, Mr. V. G.                                               |
| Muthu Chettiyar, Rao Bahadur P. C.                                        | Venugopal Nayudu, Rao Bahadur R. K.                                      |
| Nachiyappa Gounder, Mr. K. A.                                             | Wright, Sir William.                                                     |
|                                                                           | Yakub Hasan Sahib Bahadur.                                               |
|                                                                           | Zamindar of Bodinayakkanur, The.                                         |
|                                                                           | Zamindar of Kirlampudi, The.                                             |
|                                                                           | Zamindar of Mirzapuram, The.                                             |



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## I.—QUESTIONS AND ANSWERS.

## STARRED QUESTIONS

## Excise

*Supersession of the claims of seniors in the Excise department in Nellore.*

\* 523 Q.—Rao Sahib V. DHARMALINGAM PILLAI: Will the Hon. the Minister for Education and Excise be pleased to state—

(a) the number of junior service men and probationers placed over their seniors in the Excise department in the Nellore subdivision for the past three years;

(b) whether complaints regarding such irregular promotions have been brought to the notice of the Deputy Commissioner of Excise or of the Government; and

(c) if so, what action has been taken in this matter?

A.—(a) The Government have no information.

(b) & (c) No such complaints have been brought to the notice of the Government. The Government have no information whether any such complaints have been brought to the notice of the Deputy Commissioner of Excise.

Rao Sahib V. DHARMALINGAM PILLAI:—“ May I ask whether the Hon. Minister will please call for the information? ”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ No complaints have been received and there is no reason to think that there is any irregularity.”

## Public Health

*Employment of women vaccinators.*

\* 524 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Minister for Education and Excise be pleased to state—

(a) whether there are any proposals for employing women vaccinators for conducting vaccination for women since re-vaccination has been made compulsory now; and

(b) if so, what they are and at what stage they are now?

A.—The Government have impressed upon local boards and municipal councils the need for employing women vaccinators at an early date in order to encourage and facilitate vaccination and re-vaccination work in communities and castes in which women are very conservative or observe purdah. Since the Government took powers to fix the scales of pay, allowances and strength of the establishments under district boards and municipal councils, they have sanctioned the employment of women vaccinators whenever proposals for the same were submitted to them provided that the local bodies concerned were financially in a position to meet the cost involved.

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Mr. K. A. NACHIYAPPA GOUNDER:—" May I ask, Sir, whether the Hon. Minister has made enquiries and verified as to whether the instructions have been followed and lady vaccinators appointed? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" As the answer says, in some cases sanction of the Government to employ women vaccinators was applied for and the same was given."

Mr. V. T. ARASU:—" Sir, the answer says: ' provided that the local bodies concerned were financially in a position to meet the cost involved.' May I know how additional cost would be involved by appointing a certain number of women vaccinators in the place of the men vaccinators? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I think some additional vaccinators will be required. That is the reason for the additional expenditure."

Mr. K. A. NACHIYAPPA GOUNDER:—" In order to see if the instructions of Government are followed, will the Hon. Minister be pleased to get information regarding the number of women vaccinators employed in each of the local authorities and take steps to push through this scheme? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I do not think it is necessary. If we wait for some time, we can see how the local bodies themselves act."

### Co-operation

#### *Functions of the Registrar and the Joint Registrar of Co-operative Societies respectively.*

\* 525 Q.—Mr. M. B. RANGASWAMI REDDI: Will the Hon. the Minister for Public Works be pleased to state the functions of the Registrar and the Joint Registrar of Co-operative Societies respectively?

A.—The Registrar controls the whole department. The Joint Registrar assists the Registrar in all or any of his functions and, at present, is in charge of liquidation, arbitration, execution and non-credit societies. There is no definite division of functions.

#### *Publication of the balance sheets of Co-operative Societies in the Gazette.*

\* 526 Q.—Mr. A. B. SHETTY: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether in the earlier stages of the co-operative movement the balance sheets of societies were being published in the Gazette;

(b) whether this practice has been discontinued, and if so, for what reasons; and



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(b) whether the desirability of insisting upon societies, at least the bigger ones, to publish their balance sheets either in the Gazette or on the notice board of the society's office in the interests of members and depositors has at any time been considered by the Government?

A.—(a) Yes.

(b) Yes, for the reason that the movement, having since grown considerably, did not need that kind of propaganda.

(c) The Government do not consider that any useful purpose will be served by publishing balance sheets of societies in the Gazette. The other mode of publication suggested will, however, be considered.

Mr. K. A. NACHIYAPPA GOUNDER:—"The answer to clause (a) is in the affirmative. May I know, Sir, whether the publication was made free of cost or at the cost of the societies?"

The Hon. Mr. P. T. RAJAN:—"I have no information. I presume it was done free of cost."

Mr. K. A. NACHIYAPPA GOUNDER:—"May I ask the Hon. Minister, Sir, whether it is not better for the popularity of these societies that the public should be made aware of their working with facts and figures?"

The Hon. Mr. P. T. RAJAN:—"If the societies want it, publication will be made, provided they pay the cost."

*Working of the Co-operative Unions.*

\* 527 Q.—Mr. A. B. SHETTY: Will the Hon. the Minister for Public Works be pleased to state—

(a) how many unions are functioning well;

(b) in how many unions the collection of principal to demand was 50 per cent or more during the last three years; and

(c) in how many unions societies cleared off interest to the banks by 30th June during the last three years?

A.—(a) It is difficult to give any definite number. Approximately one-third of the unions (of which there are just over 300) may be said to be working well.

(b)—

|         | Year. |    |    |    |    |    |    | Number of unions. |
|---------|-------|----|----|----|----|----|----|-------------------|
| 1932-33 | ..    | .. | .. | .. | .. | .. | .. | 60                |
| 1933-34 | ..    | .. | .. | .. | .. | .. | .. | 62                |
| 1934-35 | ..    | .. | .. | .. | .. | .. | .. | 59                |

(c)—

|         | Year. |    |    |    |    |    |    | Number of unions. |
|---------|-------|----|----|----|----|----|----|-------------------|
| 1932-33 | ..    | .. | .. | .. | .. | .. | ✓  | 82                |
| 1933-34 | ..    | .. | .. | .. | .. | .. | .. | 90                |
| 1934-35 | ..    | .. | .. | .. | .. | .. | .. | 74                |

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*Decrease in the transactions of Co-operative Banks and Societies.*

\* 528 Q.—Mr. A. B. SHETTY: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether there has been a fall in the amounts of loans given by co-operative banks to societies and by societies to members, and if so, by what per cent during the last six years;

(b) whether banks have idle money which they are obliged to invest at small rates of interest; and

(c) whether there is any proposal to fix the maximum rates of interest on loans given by banks to societies and by societies to members?

A.—(a) The following statement gives the information:—

| Year.   | Loans advanced by           |                                                           |
|---------|-----------------------------|-----------------------------------------------------------|
|         | Central banks to societies. | Societies (Agricultural and non-agricultural) to members. |
|         | RS.<br>(In lakhs.)          | RS.<br>(In lakhs.)                                        |
| 1929-30 | 297.71                      | 476.29                                                    |
| 1930-31 | 203.90                      | 369.05                                                    |
| 1931-32 | 141.60                      | 286.98                                                    |
| 1932-33 | 73.92                       | 297.23                                                    |
| 1933-34 | 67.33                       | 315.01                                                    |
| 1934-35 | 87.10                       | 365.32                                                    |

In the case of loans advanced by central banks to societies, the figures relating to the years 1929-30 to 1931-32 represent both loan transactions and transactions in the overdraft accounts granted by the banks to societies, and the figures for the subsequent years represent loan transactions only. No separate figures for regular loan transactions are available for the years 1929-30 to 1931-32 and the percentage of fall in the year 1934-35 as compared with the year 1929-30 cannot therefore be worked out on an uniform basis. The percentage of fall in the loans given by societies (agricultural and non-agricultural) to members during the last six years is 23.3.

(b) No.

(c) The attention of the hon. Member is invited to the answer to clause (b) of question No. 259 given at the meeting of the Legislative Council held on 29th October 1935. No maximum rates of interest have been prescribed in respect of fresh loans advanced by central banks and societies. The rates on new loans do not, however, exceed the maximum for old loans. The maximum rates suggested in respect of all outstanding loans are given below:—

|               |     |     |    |                     |
|---------------|-----|-----|----|---------------------|
| Central banks | ... | ... | 6½ | per cent per annum. |
| Societies     | ... | ... | 7½ | do. do.             |



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Mr. P. V. KRISHNAYYA CHOUDARI:—" May I ask the Hon. Minister whether the Government are prepared to advice the central banks to reduce the rate of interest? "

The Hon. Mr. P. T. RAJAN:—" The rates have been reduced to the extent it is possible."

Mr. P. V. KRISHNAYYA CHOUDARI:—" Will the Hon. Minister permit the local bodies to deposit their moneys as before? "

The Hon. Mr. P. T. RAJAN:—" That is a matter for the local boards concerned to decide."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—" May I know if the central banks advancing loans to the other banks are charging the maximum rate of interest? "

The Hon. Mr. P. T. RAJAN:—" I have no information."

Mr. K. A. NACHIYAPPA GOUNDER:—" May I ask, Sir, whether the restrictions placed on the local bodies in the matter of placing their moneys in the district banks as deposits, are not conducive to the interests of these banks, and if so, whether the Hon. Minister will reintroduce the old system? "

The Hon. Mr. P. T. RAJAN:—" I do not think the restriction affects the bank's interests adversely; but there is no objection to local bodies investing their funds elsewhere."

Mr. K. A. NACHIYAPPA GOUNDER:—" Will the Hon. Minister see, Sir, that the existing restrictions are taken away in the interests of the banks? "

The Hon. Mr. P. T. RAJAN:—" If by taking deposits from the local bodies the central banks do not stand to lose, there can be no objection."

Mr. P. V. KRISHNAYYA CHOUDARI:—" May I ask the Hon. Minister whether there is not a Government Order which says that the local bodies should not deposit more than a particular amount in the central banks? "

The Hon. Mr. P. T. RAJAN:—" I am aware of it."

### Registration

#### *Extension of the photo-stat system of copying documents.*

\* 529 Q.—Mr. M. B. RANGASWAMI REDDI: Will the Hon. the Minister for Public Works be pleased to state—

(a) in how many districts the photo-taking system instead of copying the documents, has been put into operation till now in the Registration Department;

(b) whether the introduction of the above system of registering documents is less expensive than the present system of copying; if so, what the percentage is of saving in the districts where the system is in operation;

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(c) if it is profitable, whether the Government intend extending the same to other districts; if so, when and in what districts; and

(d) whether the Government have taken the advice of experts as to which documents, whether the manuscript copies or the photo copies, stand better the test of time?

A.—(a) The system of photo-copying of documents by the cine-camera method has been introduced in the Madras-Chingleput district and in the District Registrars' offices of East Godavari, Guntur, Salem and Coimbatore. The photo-stat method has been introduced in the South Malabar registration district.

(b) A statement<sup>a</sup> showing the savings effected under the cine-camera method is appended. The photo-stat system was introduced in South Malabar from 1st April 1934. The full staff to be disbanded has not been sent away. A report received from the Inspector-General says that during 1936-37 there is likely to be a saving of Rs. 7,208.

(c) There is no such proposal now under consideration. The scheme is yet in an experimental stage.

(d) The new system was introduced on the experience gained in Bombay. The photo copy is a permanent record not liable to fade with the lapse of time according to the quality of the ink used.

### Land Revenue Administration

*Functions of the Special Officer appointed to the Board of Revenue.*

\* 530 Q.—Mr. M. B. RANGASWAMI REDDI: Will the Hon. the Member for Revenue be pleased to state—

(a) why a special officer has been appointed to serve under the Revenue Board; and

(b) what his functions are?

A.—No special officer has been appointed to serve under the Board of Revenue.

*Proposals of the Collector of Madras-Chingleput to assign on patta lands in the Valliyur village.*

\* 531 Q.—Rao Sahib V. DHARMALINGAM PILLAI: Will the Hon. the Member for Revenue be pleased to state—

(a) whether the Collector of Chingleput has recently called for proposals for issue of patta to blocks of lands submerged under water (Nos. 230, 231 and 232), though the people of the Valliyur village had objected to the issue of patta and the Collector of the district had upheld their objection in 1934; and



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(b) if so, what the reasons of the Collector are in now ordering that the lands should be brought under No. 7 account and not under 6?

A.—The Government have no information but have called for a report.

### Administration of Justice

#### *Representation of Jains in the cadre of District Munsifs.*

\* 532 Q.—MR. U. C. SUBRAHMANYA BHATT: Will the Hon. the Law Member be pleased to state—

(a) whether there have been applications from any Jain members of the Bar for selection of Munsifs by the High Court within the last six years; if so, how many applied and how many were selected; and

(b) what action the Government propose to take or have taken in the matter of giving adequate representation to the Jain community?

A.—(a) The Government have no information, but have called for it.

(b) Under section 7 of the Madras Civil Courts Act, 1873, the appointment of District Munsifs vests in the High Court. The principle of communal representation does not apply to these appointments.

#### *Permanent vacancies in the cadre of District Judges, Sub-Judges and District Munsifs remaining unfilled.*

\* 533 Q.—MR. MAHBOOB ALI BAIG: Will the Hon. the Law Member be pleased to state—

(a) how many permanent vacancies there are at present of District Judges, Sub-Judges and District Munsifs;

(b) for how long a time the said vacancies have remained without being filled up; and

(c) what the reasons are for not filling up the said vacancies?

A.—(a) *District Judges*.—Two in the posts to be held by officers of the Indian Civil Service and six in those to be filled by the promotion of members of the Provincial Civil Service (Judicial Branch) and by appointment from the Bar and other sources.

*Sub-Judges and District Munsifs*.—Eighteen vacancies in the posts of Sub-Judges and ten in the posts of District Munsifs.

(b) *District Judges*.—The dates of the eight vacancies are—*Indian Civil Service vacancies*.—4th July 1932 and 13th May 1933.

*Other vacancies*.—16th December 1934, 16th January 1935, 20th April 1935, 1st July 1935, 18th September 1935 and 24th September 1935.

*Sub-Judges*.—16th August 1933, 27th September 1933, 4th October 1933, 15th October 1933, 24th October 1933, 16th November 1933, 16th January 1934, 16th

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January 1934, 16th February 1934, 6th May 1934, 1st September 1934, 2nd October 1934, 16th December 1934, 29th December 1934, 31st January 1935, 16th April 1935, 16th July 1935 and 9th August 1935.

*District Munsifs.*—27th November 1933, 16th December 1933, 17th January 1934, 26th November 1934, 3rd December 1934, 25th December 1934, 5th February 1935, 16th June 1935, 8th August 1935 and 15th September 1935.

(c) *District Judges.*—The two vacancies to be filled by officers of the Indian Civil Service have been kept unfilled for administrative reasons. As regards the remaining six the Public Service Commission (India) has to be consulted before permanent appointments are made in such vacancies. This inevitably takes time.

*Sub-Judges and District Munsifs.*—Orders regarding the confirmation of Sub-Judges had to be kept pending the issue of orders filling up the vacancy in the cadre of District and Sessions Judges.

The High Court has to issue orders regarding the confirmation of District Munsifs. These orders have apparently been held up pending the issue of orders regarding the confirmation of Sub-Judges.

Mr. P. V. KRISHNAYYA CHOUDARI:—“In view of the fact that by delaying the filling up of these district judges' posts, etc., the subordinate judges and munsifs are foregoing their increments and promotions, may I ask what steps the Government propose to take to avoid these difficulties to the subordinate officers?”

The Hon. Sir K. V. REDDI NAYUDU:—“These delays are not intentional; they are inevitable under the system now existing.”

Djwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—“Out of the six posts of district judges to be filled by the promotion of the Provincial Civil Service and by appointment from the Bar and other sources, how many were filled by promotion?”

The Hon. Sir K. V. REDDI NAYUDU:—“I want notice, Sir.”

*Applications from the Depressed Classes for appointments in the Civil Courts in Tinnevely district.*

\* 534 Q.—Mr. M. DEVADASAN: Will the Hon. the Law Member be pleased to state—

(a) whether applications were received from the members of both the Depressed Class Hindus and the Depressed Class Christians for the posts of clerks, amins or attenders in the Civil Courts of Tinnevely district from 1930 to 1935;

(b) if so, how many; and

(c) how they were disposed of?

A.—The Government have no information.



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Mr. C. BASU DEV:—"Will the Hon. the Law Member be pleased to call for the information to know how far the judiciary, especially in Tinnevely are encouraging the depressed classes?"

The Hon. Sir K. V. REDDI NAYUDU:—"The question will be considered, Sir."

### Agriculture

*Notifications Nos. 370 and 371, published in the Fort St. George Gazette, dated 25th October 1935 in re sugar industry.*

\* 534-A Q.—Sir WILLIAM WRIGHT: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether, prior to the publication, in the *Fort St. George Gazette* of October 25th, 1935, of drafts of notifications Nos. 370 and 371, Government consulted any of the commercial interests in Madras engaged in the sugar industry;

(b) if so, whom; and

(c) if not, why not?

A.—(a) & (b) No.

(c) The Government received their information from the Director of Agriculture, and it was assumed that he had consulted the interests concerned. The notifications have now been published with a view to inviting criticism of the figures so arrived at.

Sir WILLIAM WRIGHT:—"May I ask the Hon. Minister for Public Works whether representations have been made by various commercial interests to reduce the rates in view of the fact that the present rates will cause damage to the local sugar industry as the rates in other provinces are so much lower?"

The Hon. Mr. P. T. RAJAN:—"Sir, it has since been brought to my notice by some hon. Members of this House that the rates tentatively suggested in the notification are far in excess of those fixed in other provinces and that they will further facilitate the already existing competition the sugar industry in the south has to face from the northern provinces. Also they might irretrievably damage the local sugar industry recently started in some districts at considerable capital expenditure by promoters who have not as yet received any return on their capital. I can give this assurance to hon. Members that these and other relevant matters will have the fullest consideration of Government before they finally fix the minimum prices."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"May I ask whether the Government realize that the minimum rate fixed under the notification is higher than the cost at which cane is sold in the market?"

The Hon. Mr. P. T. RAJAN:—"I cannot say that off-hand."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"Will the Government be pleased to remove this minimum rate at least in places where there are small sugar factories whose outturn is about 50 tons?"

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The Hon. Mr. P. T. RAJAN:—"We have given opportunities to all interests concerned to represent their case to Government before the 5th of the next month. As I have already said, we will take all these factors into consideration when fixing the rate finally."

Mr. V. T. ARASU:—"May I know what is the principle or basis on which these rates are fixed? I see that in Kistna it is Rs. 10 whereas in the neighbouring district of Godavari it is Rs. 13?"

The Hon. Mr. P. T. RAJAN:—"The cost of cultivation and the varieties of cane grown are all taken into consideration. The rates tentatively fixed were based on the facts then known to the Government."

Mr. V. T. ARASU:—"Is the Hon. Minister aware of the fact that the variety grown in Kistna does not materially differ from that grown in Godavari?"

The Hon. Mr. P. T. RAJAN:—"There might be other factors. Here I may repeat the assurance that those factors which were not taken into consideration in the first instance will hereafter be taken into consideration in fixing the rates finally."

Mr. P. V. KRISHNAYYA CHOUDARI:—"Is it not advisable in the interests of the agriculturists to provide a minimum rate in the notification?"

The Hon. Mr. P. T. RAJAN:—"That is what we are exactly proposing to do."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"After these objections have been received, will the Government take into consideration the fact that in the same area the quality of sugarcane grown may be different and may vary with seasonal conditions and the nature of the soil?"

The Hon. Mr. P. T. RAJAN:—"I have already given the assurance that any new fact placed before them will receive their careful consideration before the Government finally fix the minimum rates after consulting the commercial, industrial and agricultural interests."

### Local Self-Government

*Recognition of the B.E. and Lower Subordinate qualifications of the Mysore University for employment under Local Boards.*

\* 534-B Q.—Mr. U. C. SUBRAHMANYA BHATT: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) whether holders of B.E. qualification and Lower Subordinate qualification of the Mysore University are eligible for appointment as Engineers or Overseers in District Boards or Municipalities; and

(b) if not, why the bar has not been removed?

A.—The holders of the B.E. degree of the Mysore University are eligible for appointment as Assistant Engineers under District Boards and as Engineers under Municipal Councils.

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The lower subordinate certificate of the Bangalore Engineering School has not been prescribed as a qualification for appointment as overseers under District Boards and Municipal Councils in this Presidency. The question of recognizing this qualification will be considered.

Mr. U. C. SUBRAHMANYA BHATT:—"In view of the fact that the Government are not giving exemptions, will they consider the question of holders of Lower Subordinate qualifications of the Mysore University?"

The Hon. the RAJA OF BOBBILI:—"The answer clearly says that as far as graduates are concerned, this qualification will be recognized. As for Lower Subordinates, I shall certainly consider the suggestion of the Hon. Member."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"In view of the fact that candidates possessing degrees of the Mysore University are quite as good as the candidates who pass out of the Madras Engineering College, will Government be pleased to recognize the former as suitable for these posts?"

The Hon. the RAJA OF BOBBILI:—"They have got definite rules and they must proceed on that basis."

Mr. U. C. SUBRAHMANYA BHATT:—"May I know whether it is not a fact that holders of lower subordinate qualification of the Mysore University are not holding temporary appointments carrying a salary of Rs. 40 to Rs. 50 under local boards now?"

The Hon. the RAJA OF BOBBILI:—"Some people might have been entertained in the past, but I cannot give figures and any orders now passed are not to affect people already in service."

Mr. U. C. SUBRAHMANYA BHATT:—"May I know whether there was any complaint in the past regarding the efficiency of the Mysore Upper Subordinate?"

The Hon. the RAJA OF BOBBILI:—"I am afraid I cannot say anything off-hand."

Mr. G. RAMESWARA RAO:—"May I know, when once they are appointed, whether they are entitled to become District Board Engineers?"

The Hon. the RAJA OF BOBBILI:—"I must ask for notice of the question."

[Note.—An asterisk (\*) at the commencement of a speech indicates revision by the Member.]

## II.—ACT ASSENTED TO BY HIS EXCELLENCY THE GOVERNOR.

\* The Hon. the PRESIDENT:—"I have to announce that the Madras Betting Tax Act received the assent of His Excellency the Governor on the 6th November 1935."

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III.—A BILL TO AMEND THE MADRAS CITY MUNICIPAL ACT, 1919,  
FOR CERTAIN PURPOSES (BILL No. 11 OF 1934)—*cont.*

*Clause 74.*

*Section 124.*

\* The Hon. the PRESIDENT:—"The House will resume discussion of the City Municipal Bill. When the House rose on the last day (8th November 1935) the following amendment moved by the Hon. the Raja of Bobbili was under discussion:—

*'At the end of sub-section (1) of section 124, insert the following proviso:—*

*"Provided that in the case of single bullock-carts the tax shall not exceed four rupees half-yearly".'*

"I take it that the House is ready for a vote."

The motion was put and carried.

\* Sir WILLIAM WRIGHT:—"I beg to move the amendment that stands in my name as follows:—

*'Add a further proviso after the proviso to sub-section (1) of section 124 as follows:—*

*"Provided further that in the case of any cart fitted with rubber tyres on all wheels, the Commissioner shall levy the said tax at one-half of the rate provided in this sub-section".'*

"I think, Sir, that this amendment will appeal to all sides of the House. I would maintain that if it is accepted by the Hon. the Chief Minister it will affect very favourably the economic working of the Corporation. I do not think it is always realized the extent to which the iron tyres damage the roads. From tests which were recently applied at Delhi it was discovered that a ten-ton steam-roller exerts a maximum pressure of only 550 lb. per inch, whereas an iron-tyred cart exerts a maximum pressure between 800 and 1,800 lb. in accordance with the width of the tyre. In this trial which was held at Delhi it was discovered that a rubber-tyred cart does not damage the roads at all, but the damage done by the iron-tyred cart costs the Corporation, Rs. 228 per year for every cart, while the rubber-tyred cart costs the Corporation nothing at all. It may be said that to purchase these rubber-tyred carts involves the user in a very large initial capital sum. That, Sir, is not correct. The original cost of equipping a cart with the necessary steel axle and tyres is only Rs. 200 and these tyres should last at least four years when there will be a recurring expenditure of Rs. 100. There is also a very great advantage to the users of rubber tyres, because tests have shown that bullock-carts equipped with rubber-tyred wheels will do three trips, where the iron-tyred cart will do only two trips. Further, the bullocks can very easily pull  $1\frac{1}{4}$  tons loaded on a rubber-tyred cart, whereas they can only pull one-third to half of a ton in an iron-tyred cart. Again I recommend this amendment in the interests of humanity. It is very



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much easier for bullocks to pull rubber-tyred carts than it is for them to pull iron-tyred carts. This is proved by the fact that without extra exertion they travel 25 per cent quicker when pulling rubber-tyred carts than when they are pulling iron-tyred carts. Again I would point out that in these days of speed, anything which will assist to speed up slow going traffic in towns will assist traffic control and assist all users of the road. In this connexion, if we use rubber-tyred carts we shall be making speed of much of our slow moving traffic 25 per cent quicker than at present.

"I would also bring to the notice of this House that the amendment which I am proposing is by no means an original idea. I would like to quote the following public bodies in support of my statement:—

"In the Bombay Presidency rubber-tyred carts are totally exempt from tolls and municipal taxes. In the Cochin State all tolls are reduced by 50 per cent for rubber-tyred carts. In Bandra, Allahabad and Sholapur Municipalities wheel-tax has been reduced for rubber-tyred carts by 50 per cent. In Delhi Municipality the rubber-tyred carts are totally exempt from wheel-tax. So also in the case of Larkana Municipality. In the Rangoon Municipality wheel-tax has been reduced from Rs. 12 to Rs. 8. I therefore appeal to the Hon. the Chief Minister to accept my amendment as an economy to the Corporation, as an economy to the user of bullock-carts, in the name of humanity and also in order to speed up traffic in our City."

Mr. C. BASU DEV:—"I second it."

Rao Bahadur P. C. MUTHU CHETTIYAR:—"டயர் சக்கர வண்டிகளுக்கு வரியை பரீயாக்க வேணும் அல்லது குறைக்கவேணுமாய் ஆனாரபின் மெம்பர் சர் வில்லியம் ரைட் கொண்டு வந்திருக்கும் அமெண்டுமெண்டை நான் ஆதரிக்கிறேன்.

ஒரு வண்டிக்கு சக்கரம் 2, அதற்குரிய அச்சடயர் பால்பேரிங் வகையறு சாமான்கள் சகிதம் ரூபா 200 விலையாகும். 4-வருஷத்துக்கு உழைக்கும் என் கிறார்கள்.

மற்ற வண்டி சக்கரம் ரூபா 50-தான் ஆகும். அதிகம் ரூபா 150 சில வாகும். இதற்கு வருஷத்திற்கு சுமார் வட்டி ரூபா 18 ஆகும். வரியை தள்ளுவது எவ்வளவாய்விடுகிறது. ரோட்டுக்கு சாதகமாயிருக்குமென்பதில் சந்தேக மில்லை. முனிசிபல் வரி இல்லை என்று ஏற்பட்டால் அதே ஓர் அட்வர்டைஸ் மெண்டு விளம்பரத்துக்கு ஓர் ஆஸ்பதம் ஆகும்தான்.

அதினால் பாதகரமென்ன? தொழிலை பார்த்தும் இங்கும் விர்த்தியடையட்டும் வரியை எடுத்துவிடலாம்."

Mr. G. R. PREMAYYA:—"I rise to oppose the amendment. I want to show to you and to the country that indirectly the hon. Mover of the amendment wants to help those who are dealing in tyres. That is the idea. We should not compare Travancore or Cochin with our Presidency. If this tax on rubber tyred carts is lowered it will be a welcome measure to the rickshaw wallahs. But the other bandy

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wallahs will lose their income considerably. So I most vehemently protest against this amendment and I wish hon. Members who have sympathy for Indiā should oppose this motion."

\* The Hon. the RAJA OF BOBBILI:—"Sir, I quite agree with the object the hon. the Mover of the amendment has in view, namely that we should encourage the use of rubber tyres for bullock-carts as it will be not only in the interests of the cart-owners but also in the interests of the animals which pull these carts. I have noticed that recently considerable importance has been given to this problem of providing carts with rubber tyres and ball-bearings which would enable the transport of double the quantity of goods which ordinary bullock-carts can now carry. As far as my information goes, trials have already been made of this type of vehicles and they have proved very successful. I also understand that a number of municipalities have been experimenting with this new type of vehicles. I do not agree with my hon. Friend who has preceded me when he says that no one who loves his country should support this amendment. From that it follows that we should not purchase anything that is not manufactured in this country. It is a different thing to say that Indian industries should be encouraged, but it does not follow from that that we should prohibit the import or consumption of foreign goods. It may be that, if there is a general adoption of this type of vehicle, it would create a sufficiently large market for tyres in this country that it would be worth while starting tyre manufacturing factories in our own country. I have stated my views on the desirability of encouraging the latest methods of transport and I am sure Sir William Wright has a similar object in view in moving this amendment. I believe even under the existing Act it is open to the Corporation to impose differential rates on different kinds of vehicles. I would therefore submit that it would be better to leave the discretion to the Corporation and if there is any doubt whether the Corporation can assess carts with reference to the amount of damage they do to the roads, I would move the following amendment in place of the amendment now before the House:—

• 'Add the following further proviso to sub-section (1) of section 124:—

*"Provided that in fixing the said rates, the Council shall have regard to the extent of damage caused by different classes of carts to the road".*

"I hope and trust that this amendment will meet with the approval of the House."

Mr. T. SUNDARA RAO NAYUDU:—"I second it."

Sir WILLIAM WRIGHT:—"I am prepared to accept the amendment."

The Hon. the PRESIDENT:—"The hon. Member will withdraw his amendment and then I will put the new amendment to the House."

Sir William Wright's amendment was, by leave, withdrawn.



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The Hon. the PRESIDENT:—" I will put the Hon. the Chief Minister's amendment to the vote of the House. The question is:—

' Add the following further proviso to sub-section (1) of section 124:—

*" Provided that in fixing the said rates, the Council shall have regard to the extent of damage caused by different classes of carts to the road " ' "*

The amendment was put and carried.

Clause 74 as amended and clause 75 were put and carried.

Clause 76.

Section 129.

Mr. T. SUNDARA RAO NAYUDU:—" Mr. President, Sir, I beg to move the following amendment:—

*" In sub-section (1) for the words, " The tax on timber brought into the city," the following words shall be substituted, namely: " If the Council by a resolution determines that a tax shall be levied on timber brought into the city, such tax " ' "*

" Sir, it will be noted that the opening words of sections 99 (1), 111 (1), 116 (1) and 124 (1) which deal with the levy of property tax, companies tax, profession tax, tax on carriages and animals and tax on carts are: If the Council by a resolution determines that such and such a tax shall be levied. But the same wording is not adopted in section 129 (1). This amendment is intended to make the language of this section correspond with the language of the other sections referred to."

Mr. R. MADANAGOPAL NAYUDU:—" I second it."

The amendment was put and carried.

Clause 76 as amended was put and carried.

Clause 77.

Section 129-A.

Mr. T. SUNDARA RAO NAYUDU:—" Mr. President, Sir, I beg to move the following amendment:—

*" In the second proviso for the words " advertisement of a notice " the words " advertisement or a notice " shall be substituted."*

" The word ' of ' is evidently a mistake for ' or ' and ' advertisement of a notice ' is quite unhappy and meaningless."

Mr. R. MADANAGOPAL NAYUDU:—" I second it."

The amendment was put and carried.

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\* Sir WILLIAM WRIGHT:—" Mr. President, Sir, I move the following amendment:—

*' In the last proviso, clause (d) as relettered by the Select Committee shall be relettered as (e) and the following clause inserted as clause (d)—*

*" (d) relates to the business of any railway company; or " .'*

" I do not want to take up the time of the House with a long speech about a very short amendment. My idea in putting it forward is that it is in the general interests of the public that railway posters which are mostly to give information to the travelling public should have as much publicity as possible and on that ground the Corporation will be well advised to allow such posters to be displayed free."

The amendment was duly seconded.

\* The Hon. the RAJA OF BOBBILI:—" Sir, I accept this amendment so as to bring this Act into line with the Bombay Municipal Act. The effect of this amendment is that only such advertisements relating to the business of the company will be exempted from the advertisement tax. It does not exempt business advertisements of other companies which are displayed on the railway premises and platforms."

Mr. P. V. KRISHNAYYA CHAUDARI:—" Sir, I do not want to object to this amendment, but I only want to know whether similar concession will be given to private companies also to put up advertisements in their own premises. The railway company also is more or less a commercial body though it is doing some public work. Similarly buses and trams also are doing some public work and if they put up advertisements in their respective areas will they be allowed to do so free? "

\* The Hon. the RAJA OF BOBBILI:—" This concession is confined only to the business of the railway company, such as the exhibition of the time-tables and other notices. A railway company stands on a different footing from private companies. I am sure that by this House accepting this amendment, they would not be committing themselves to extending the same concession to others."

\* Mr. V. T. ARASU:—" Mr. President, I would request the mover of the amendment to explain what he means by ' relates to the business of any railway company.' If I understood the Hon. the Chief Minister aright, the intention of the Government is to exempt only advertisements relating to time-tables and tariffs while other advertisements such as ' Visit Rameswaram,' ' See such and such a festival at such and such a place ' and so on, will not be exempted from tax. I want to know from the hon. Mover whether in moving his amendment he wanted only the time and tariff tables to be exempted and not the other kind of advertisements inviting people to visit certain places."

\* Sir WILLIAM WRIGHT:—" Sir, I have taken the wording of my amendment from the original Bill that was worded by the Government a.m. Drafting department. I cannot improve upon it."



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CERTAIN PURPOSES (BILL NO. 11 OF 1934)

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\* The Hon. the RAJA OF BOBBILI:—" I may bring to the notice of this House the provision in the original Bill—sub-clause (b) of clause 77. It runs as follows:—

' Provided further that no such tax shall be levied on any advertisement which . . . relates to the trade or business carried on within the land or building upon or over which such advertisement is exhibited, or to any sale or letting of such land or building or any effects therein or to any sale, entertainment or meeting to be held upon or in the same.'

" My opinion is that this amendment covers that of Sir William Wright; it answers also the points raised by my hon. Friend, Mr. Krishnayya Choudari. Sir William Wright's amendment follows the Bombay City Municipal Act where it is definitely stated that such advertisements are exempt."

Mr. T. S. RAMASWAMI AYYAR:—" Sir, the point raised by my hon. Friend has not been explained. As the railway company is a public utility service and since the advertisements regarding tariffs and timings will be helpful to the public also, it is but right that such advertisements should be exempt from taxation. But the point raised by Mr. Arasu is this; in a public road away from the railway station, big posters are put up saying, visit such and such places or patronize railways. These things will not come within the spirit of the principle enunciated by the hon. Mover of the amendment; but perhaps they will come within the strict letter of the law. The hon. Mover of the amendment may not mean to include such advertisements; but I am afraid that the wording of the amendment as it is, will include such advertisements. I would like to know whether the Government think that even such advertisements also should be exempt."

\* The Hon. the RAJA OF BOBBILI:—" The amendment relates to advertisements that relate purely to the business of the railway company."

The amendment was put and carried.

Mr. P. V. KRISHNAYYA CHOUDARI:—" Sir, I beg to move the amendment standing in my name:—

' Add a new sub-section as follows:—

' If the advertiser or the advertising agent is not determinable or available or if the tax is not recoverable from him, the tax shall be leviable from the owner of the property on which the advertisement appears.' "

" The object of my amendment is this: an advertiser who wants to escape from the tax may fix the notice or advertisement on any house wall and may go away quietly. Thereby the Corporation may not be in a position to realize the tax. The object of the advertiser is to advertise; therefore he fixes the advertisement on any wall without his address and he escapes payment of the tax. In such cases, we can ask the owner of the House to pay the tax; then, he will be more careful to see that the notice ' stick no bills ' is put up on the wall. If the Corporation is anxious to realize the tax, I think it is necessary that this amendment should be accepted."

Mr. P. M. THANGAL:—" I second it."

A BILL TO AMEND THE MADRAS CITY MUNICIPAL ACT, 1919, FOR 1041  
CERTAIN PURPOSES (BILL NO. 11 OF 1934)

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**Rao Bahadur P. C. MUTHU CHETTIYAR** :—“நோடீஸ் விளம்பரம் ஒட்டியவரை பிடிக்காவிடில் எந்த இடத்தில் விளம்பரம் செய்து ஒட்டியிருக்கிறதோ அந்த இடத்தின் சொந்தக்காரரிடமிருந்து வரி வசூலிக்கவேண்டுமென்று Mr. கிருஷ்ணய்யா சவுத்திரி அவர்களுடைய பிரேரோபனை நன்றாயிருக்கிறது! இது ஒரு வேடிக்கை. அத்துடன் போகுது அடிஷனலாக இலையும் சேர்க்கவேண்டும்.”

“கிரிமினல் புரோசீஜர் கோடில் ஒரு செக்ஷன் இருக்கிறது. அது ஒரு குற்றம் செய்தவனோடு பார்த்தவன் இடம் கொடுத்தவன் எல்லாறையும் பிடிக்கிறது. போலீஸ்தார்களுக்கும் இந்த அதிகாரத்தை ஒப்புவிப்பது சிலாக்யமாயிருக்கும்.”

“ஆனதால் நோடீஸ் விளம்பரத்தை படித்தவர் அந்த நோடீசை நோக்கி பார்த்து நின்றவர்கள் வரிக்கு பாத்தியமுள்ளவர்களாக சேர்ப்பது திருப்தியாயிருக்குமே.”

**Mr. ABDUL HAMEED KHAN** :—“Sir, I am sorry that Mr. Krishnayya Choudari, without realizing the consequences of this amendment, has moved it. If he wants to improve the finances of the Corporation, he can help it in other ways, without affecting the ratepayers or owners of properties. The advertiser's name will naturally be on the poster. It will not be an unknown name. It will be easy for the Corporation to get at the person who advertised. There will be no need to get at the owner of the property when the name and address of the advertiser is available. I therefore hope that my hon. Friend will withdraw this amendment.”

**Mr. P. V. KRISHNAYYA CHOUDARI** :—“In view of the remarks made by the Mayor of Madras, I withdraw my amendment.”

The amendment was, by leave, withdrawn.

New section 129-B.

**Diwan Bahadur A. APPADURAI PILLAI** :—“Sir, I beg to move the amendment standing in my name :—

“Add the following as item (iii) to sub-section (2) of new section 129-B :—

“(iii) the advertisement consists of indecent pictures or posters which offend or are likely to offend the ordinary principles of moral code”.”

“New section 129-B (2) gives power to the Commissioner not to grant permission to fix any advertisement if it contravenes any by-law made by the Council under clause (28) of section 349 or if the tax due in respect of the advertisement has not been paid. My amendment is to the effect that the Commissioner may be given power to refuse to grant permission to put up an advertisement if it consists of indecent pictures which offend the principles of moral code. I have brought forward this amendment in view of the nuisance that is committed of late by these posters and advertisements. You know very well, Sir, how indecent some of these pictures are which are advertised. It would be nuisance to such an extent as to call for the formation of a League of Public Decency as they have done in America and Great Britain.



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That was started with a view to see that the cinema show is as clean and as pure as possible without allowing them to have recourse to indecent pictures, that pander only to the sensual instincts of misguided youths. It is with that object that I have moved this amendment.

“ The House knows that this tax on advertisement is a novelty. The Corporation considers that if advertisements are charged, it will be a very good source of income. I dare say it may be. But at the same time it should see that the advertisements do not offend the principles of ordinary moral code. It may be asked whether I have considered the point whether it will be the proper duty of the Corporation to interfere in a matter of this kind. Clause 29 of section 349 gives power to the Corporation to frame by-laws for securing cleanliness, safety and order and the good government and well-being of the city and for carrying out all the purposes of the Act. The Corporation is authorized to deal with many other matters in the interest of the city. The Act interferes with the discretion of a person to keep an animal or a bird. No person can keep any animal or bird in his premises which causes nuisance or is dangerous. There are many sections by which the ordinary conduct of citizens is interfered with by the Corporation.

12  
noon.

“ Sir, I appeal to the hon. House to consider whether the prohibition of indecent pictures will not be in the direction of securing the good order and well-being of the citizens. No doubt it may be pointed out to me that this is a matter outside the scope of the Corporation, especially because the police have got adequate powers to get hold of these indecent films or pictures and prosecute the persons responsible for exhibiting them. Apart from the police, there is also a Board of Film Censors, whose duty it is to censor such objectionable pictures and stories that come to the Board. I do admit all this; but I ask whether it is not up to the Corporation to take some action, so far as it may be possible for it to do so, under this section, to prohibit the publication or the exhibition of indecent pictures. If the Corporation takes action, it will be effective. Generally, under the Indian Penal Code, if a man is in a position to prevent crime and if he does not do so, he is charged with what is called culpable negligence. If the Corporation is in a position to prohibit advertisements of a certain type and if it has got the power but does not use it, will it not be chargeable with culpable negligence and endangering public morals? I appeal, Sir, to the sentiments of the hon. Members of this House.

“ Regarding censoring, even now, we find that in several newspapers indecent pictures are being printed. I have often talked to the members of the Film Board as to how such pictures have not been objected to and how they are allowed to be exhibited, giving them also specific instances. Once or twice, I even went to the length of taking some cuttings of such pictures to the Film Board. But that was all of no avail, because it is no one man's business; and if I send it to a particular member of the Board, he considers it is not his duty to bother

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himself very much about these things. What is considered decent by one particular individual may not be considered so by another; what is food for one may be poison for another. Sir, it is revolting to me to see these indecent pictures and I do not let slip any opportunity, whenever I get one, to impress upon the public the necessity of avoiding all possible chances of such pictures misdirecting our youth. It is only on these considerations, Sir, that I venture to move the amendment which runs as follows:—

‘ Add the following as item (iii) to sub-section (2) of new section 129-B:—

“(iii) the advertisement consists of indecent pictures or posters which offend or are likely to offend the ordinary principles of moral code ”.’ ”

\* Mrs. K. ALAMELUMANGATHAYARAMMA spoke in Tamil and the following is an English summary of the speech:—

“ Sir, I second the amendment. Mr. Appadurai Pillai has already explained the position clearly. I may say that according to the Indian standard of morality, some films and pictures exhibited are certainly objectionable. The youth of the country are likely to be misled by the exhibition of such films. No doubt, the Police Commissioner is responsible for the prevention of such exhibition, and it is also the duty of the members of the Film Board to bring to his notice the exhibition of such indecent films. But it must be conceded that our moral codes are different from what they are in the West. And so, when a particular member of the Board raises an objection, the other members are also to be satisfied with the objection.

“ In the month of September, I sent to the Commissioner a copy of the ‘ Puzzle ’ a journal published in Georgetown, which has an indecent frontispiece. I am glad to hear that the editor of that journal was sent for and warned against a repetition of such things.

“ I feel that in addition to the Commissioner of Police, the Commissioner of the Corporation should be allowed to have this power of prohibiting the exhibition of indecent films.”

\* Mr. R. MADANAGOPAL NAYUDU:—“ Mr. President, Sir, I am entirely in agreement with the sentiments expressed by the mover and seconder of the amendment. But if I rise to speak on this amendment, it is only with a view to point out that it is absolutely unnecessary. My friend has himself spoken of culpable negligence on the part of the Corporation if it allows such pictures to be exhibited. I will go a step further and say that it will be not only culpable negligence but participation in the commission of the offence, if the Commissioner gives previous permission for their exhibition—he will be a party to it. The mover himself stated that such exhibition is an offence under some other Act in force in the Madras City. Therefore, I do not think that the Commissioner of the Corporation would be a party to the exhibition of



[Mr. R. Madanagopal Nayudu] [11th November 1935]

such advertisements. Clause (28) of section 349 referred to by my hon. Friend says that by-laws have to be made 'for the prohibition and regulation of advertisements in public streets or parks.' One of the first things that the Corporation will do under this sub-section is to see that the exhibition of these films is prohibited to the utmost possible extent. My Friend, Mr. Arasu, will probably say that what is poison to Mr. Appadurai Pillai is food for himself—I am not going to pursue that argument. I am a bit conservative in this respect, and I think that many of the posters which are exhibited are really objectionable. It will certainly be good in the interests of the youth of this City if they are not allowed to be published. There is power enough for the Corporation under the Act as it stands, and there is absolutely no necessity for the amendment which has been moved."

\* Mr. V. T. ARASU:—"Sir, I oppose the amendment moved by my Friend, Mr. Appadurai Pillai. As regards the question whether the advertisements published by many of the cinema and talkie houses is the result of the demand on the part of the public or whether the pictures themselves create a taste in the people is a moot question. My hon. Friend, Mr. Hameed Khan suggests it is a vicious circle. It may be argued by some that the produces of these posters and films are only catering to the debased—if I may say so—taste of the public; while on the other hand it may also be argued by men of the type of my hon. Friend, Mr. Appadurai Pillai that as a result of the production and publication of the so-called indecent pictures by the cinema houses, the taste of the general public is being lowered. As I said, it is a moot question and I do not propose to go into that now. I, however, look at this amendment from this point of view, viz., that it will be in the hands of the executive of the Corporation an instrument of harassment. The amendment suggests that the power should vest in the Commissioner of the Corporation to judge whether a picture is likely to offend the ordinary principles of moral cre or not. As was rightly pointed out by the hon. Mover himself, what may be decent to one may not be so to another, and what may be indecent to one may appear to be quite all right for a third. Therefore I say that the Commissioner of the Corporation will be placed in an awkward position. For instance, if in the case of one film producer he says a picture is indecent or offends public taste and therefore should not be exhibited, and in the case of the advertisement of another film producer he says it is quite decent, there will be any amount of litigation and heart-burning, and it will be suggested that the Commissioner is partial or biassed in his judgment of these pictures. I think we should avoid placing the Commissioner in such an awkward position.

"Again, as was stated by the hon. Mover himself, there are other Acts under which the exhibition of very indecent pictures can be prevented. The Police Act gives power to the police to prevent their exhibition if they find that they offend the good taste of persons of the type of my hon. Friend, Mr. Appadurai Pillai. There is also the

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Board of Film Censors which censors the films and advertisements before they are exhibited to the public. From that point of view also, I think, it is unnecessary that this amendment should go into the Act.

“ On a higher principle also I am opposed to any restriction being imposed on the exhibition of any advertisement, even though it may be indecent for vulgar eyes. I ask the hon. Mover of this amendment whether he is aware of the fact that there are many publications in the Continent of Europe, in countries like France and England, which are flooded into this country? Has he ever seen a magazine called the *London Life* or the *Open Life* or the *Picture Goer*, or the *Cinema Fan*? There are hosts of such magazines published in France and other continental countries which are being sold here and displayed in railway platforms and windows of bookstalls. Has he ever seen any of these magazines?

• “ Sir, when no such prohibition is sought to be imposed on the sale of such magazines or on the exhibition of those magazines in railway station platforms and book-shop windows, I am unable to understand why the exhibition of the picture of a lady or some such thing at the gates of a cinema house should be prohibited. If only my hon. Friends would go there and see some of these magazines, I am sure they will come to the conclusion that I have come to—or rather every one ought to come to—namely, that these pictures exhibited by cinema houses do not at all offend public taste, but on the other hand are a natural outcome of what the public wants. 12-15 p.m.

“ Even on the so-called high moral principles. I think this amendment ought to be opposed. I do not know if my hon. Friend visited the show called ‘ Tropical Express ’ which was put on boards of packed houses at the Elphinstone. I am told that my hon. Friend, Mr. Appadurai Pillai, did visit it . . . .”

Diwan Bahadur A. APPADURAI PILLAI:—“ On a point of personal explanation, Sir. I have not had the misfortune to visit it, Sir.”

• \* The Hon. the PRESIDENT:—“ At any rate the House need not advertise it here.”

\* Mr. V. T. ARASU:—“ I think, Sir, if hon. Members of the House had visited some of these shows, they cannot but come to the conclusion that the advertisements exhibited at the gates of cinema houses are nothing compared to the shows in which real human beings are actually seen on the stage in an attire and pose—I do not know what my Friend would call it.

“ I think, Sir, the Government would oppose this amendment and not accept it. If the hon. Mover had enumerated the principles of the moral code mentioned in the amendment he would have done a great service, and those principles would serve as a guide to the Commissioner of the Corporation in judging whether a picture offends against the moral principles or not. Otherwise lot of difficulties would



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crop up. What is considered moral by the Commissioner may be immoral to my hon. Friend, Mr. Appadurai Pillai. For these reasons, Sir, I strongly oppose the amendment."

MR. T. S. RAMASWAMI AYYAR:—" Mr. President, Sir, though I have been following the bright speech of my hon. Friend, Mr. Arasu, yet I am unable to appreciate his arguments. The point raised by my hon. Friend, Mr. Appadurai Pillai, in the amendment is that the Corporation should be entrusted with powers to refuse advertisements which are indecent. I do not think any hon. Member of this House will say that the statement by itself is wrong. As a matter of fact, my hon. Friend, Mr. Madanagopal Nayudu, tried to explain the position. He said that the power is already there in the Act, because there is the rule-making power vested in the Corporation and that under the rules and regulations, the Corporation could certainly say that permission to exhibit certain advertisements cannot be given. But the point raised by my hon. Friend, Mr. Appadurai Pillai, is that a specific provision should be made in the Act itself that permission should not be given for such and such advertisements. Sir, it is common knowledge that many of the advertisements during recent years have contravened the principles of decency and if action had not been taken in some cases, it is because it has been felt that enough power has not been vested in the agencies to control these advertisements. My hon. Friend, Mr. Arasu, said that on the stage or in a cinema show things that are really not good, are exhibited. But that, Sir, is a different question. There the person pays for attending the cinema show or the theatre and if he goes there it is a question of his going there himself and he takes the consequences of the act and it is for him to judge whether he could go to a certain cinema or theatre. If people of the type of my hon. Friend, Mr. Appadurai Pillai, think that it is a misfortune to attend such shows, they may not care to pay for attending them. But my hon. Friend, Mr. Arasu, might gladly attend such shows. But these are matters in which one can pick and choose. The reference here is to posters or advertisements in the public streets. Whether a person who walks along the streets is attracted by an advertisement and especially in the case of immature people or children whether it is good for their morals or not—all these are questions to be considered.

" Now, the proposition is, that the Commissioner shall have the power to prevent such advertisements from being exhibited. My hon. Friend, Mr. Arasu, says, why should we entrust the Commissioner with a power which when exercised will be called into question. But, Sir, the whole Act entrusts the Commissioner with any amount of power and with regard to his action under every section, some member of the public or other can always question. Certainly, if power is entrusted to a public officer, others will question. As a matter of fact, if even an Hon. Member on the Treasury Bench does an act, at once hon. Members of this Council raise up questions either by means



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of interpellations or adjournment motions; and you cannot prevent the action of a public officer being questioned. So, there is no point in my hon. Friend, Mr. Arasu, saying, do not entrust the Commissioner with powers because it is likely that his action might be called in question. A reference to the other sections of this amending Bill will also show that powers with regard to certain other matters are going to be entrusted to the Commissioner, for example, the power to prevent unnecessary noise in the streets and so on. It is not as if this is a new idea, but if the House recognizes that the Commissioner should have the power to refuse the granting of licences for certain kinds of advertisements which he considers obscene, I think the Act should make provision for such a power. I therefore feel that there should be a specific provision in the section itself apart from the rules and regulations. If no specific provision is made, then it might be asked whether it is within the competence of the Corporation itself later to frame regulations to prevent the exhibition of obscene posters or advertisements, and it may also be said that powers are given only with regard to the levy of a tax on advertisements. If it is not within the purview of the Corporation to frame a regulation which would prevent advertisements being made, then any member of the public might come forward and say it is *ultra vires* of the Corporation to frame a regulation which prevents the exhibition of obscene or indecent advertisements, that the Corporation can only collect its taxes and for that purpose alone regulations may be framed. In order that such questions may not be raised, it is proper at this stage that the House should give its verdict and say that the Corporation should have such a power. I therefore have great pleasure in supporting the amendment moved by my hon. Friend, Mr. Appadurai Pillai."

Khan Bahadur JAVAD HUSSAIN KHAN SAHIB Bahadur:—"Mr. President, Sir, the amendment says, 'the advertisement consists of indecent pictures or posters which offend or are likely to offend the ordinary principles of moral code.' What the ordinary principles of moral code are, it is rather very difficult to define; for instance, as already stated by my hon. Friend, Diwan Bahadur Appadurai Pillai, what he may not like, I might, and conversely, what I may not like, he might. So, to entrust the Commissioner with powers so vague as that, I think, is rather unfair. Besides, Sir, there are a number of purity leagues in Madras and if this power is entrusted to the Commissioner, the Commissioner will, I think, have nothing else to do than to be engaged in correspondence with these purity leagues. After all morality is judged by one's own standard. I see no harm in seeing some of those advertisements put upon the posters; Mr. Appadurai Pillai does not like them, but still a majority of the public see nothing indecent in such things. Such being the case, it is not right to tie down the hands of the Commissioner with a very vague provision like this. I therefore think that the power which now vests with the Commissioner of Police is sufficient for the purpose, unless of course a



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Board of Advertisement Censors is constituted consisting of gentlemen like Diwan Bahadur Appadurai Pillai who might render useful service to the public. I therefore beg to oppose the amendment, Sir."

Mr. ABDUL HAMEED KHAN:—"Mr. President, Sir, I am sorry I have to differ from my hon. Friend, the Commissioner, over this amendment. There is no doubt that there will be practical difficulty in working this amendment if it becomes part of the Statute, but all the same, that provision must be there and I am sure, the very fact of the existence of such a provision will keep out persons from deliberately making use of these advertisements for purposes which are certainly not desirable. It is not only the pictures which are likely to be objectionable, but to even the manner in which these advertisements are written objection can be taken. I am sure that if the Commissioner makes up his mind he can certainly prevent undesirable pictures from being shown and undesirable advertisements from being put on shows. There is no doubt, I agree, there may be practical difficulties, but as I have already stated, such wholesome provision should be there in order to keep off advertisers from advertising indecent pictures and indecent advertisements. I do not go to the extent of supporting my hon. Friend, Mr. Appadurai Pillai, that every picture that is advertised or put on boards in front of picture palaces or talkies is objectionable. No doubt we may differ on that score, but certainly I should say there is the possibility of something very objectionable being put on as an advertisement or there is bound to be something which is very objectionable from the point of view of a certain class of people. I do not know why the Corporation should not protect the sentiments of such a class of people by prohibiting such advertisements being placed on the walls or in the streets or in any other place. I therefore hope that some provision will be made to that effect. It may not be necessary that we should accept the amendment of my hon. Friend, Mr. Appadurai Pillai, as it is, but some provision should be made either in the form of the amendment as suggested by him or in the regulations themselves by which an advertisement which is undesirable or objectionable could be prohibited."

\* The Hon. the RAJA OF BOBBILI:—"Sir, I think this amendment has been sufficiently discussed. I have not the slightest objection to empower the Corporation to frame by laws to regulate the exhibition of pictures. But according to the amendment as it stands, it is not right that we should impose a statutory duty on the Commissioner whose opinion will not be final and whose action will be liable to be taken to a court of law. As it is, it is very vague and general, for it says: 'posters which offend or are likely to offend the ordinary principles of moral code'; and there is likely to be the possibility of difference of opinion as to whether it will offend or is likely to offend the ordinary principles of moral code. There might be suits filed for damages by companies which they think they suffer by the prohibition of certain



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advertisements. I do not think we can lay down a general obligation like this in such vague terms on the Commissioner of the Corporation. I will, therefore, have to oppose this amendment."

\* Diwan Bahadur A. APPADURAI PILLAI:—"Mr. President, Sir, I feel very much gratified to find large support in favour of my amendment. As far as I am concerned, I do not see any justification of the reasons given by hon. Friend, the expert Member. He said that if the Commissioner of Corporation is entrusted with the duties of prohibiting or setting aside of indecent pictures or posters it will hinder his legitimate duties. I am very sorry to hear that sort of statement from the Commissioner of Corporation who as a District Magistrate and Collector is supposed to work for 18 hours a day. He also stated that it would be unnecessary work for the Commissioner of Corporation to have correspondence with the purity league and other organizations if this proviso is added in the Bill. He need not do all these things himself. He can appoint some standing committees consisting of persons young and old who can very easily do this sort of work. The responsibility of finding out whether an advertisement is decent or indecent will fall on the committee. As for the correspondence work which the expert Member said will fall on him, he need not fear because the work can very easily be distributed among the establishment of the Corporation. He also said that the wording of my amendment is vague. I do not see anything vague in my amendment. I put it as broadly as possible. I do not know how more elaborately I can put it. I do not think it is possible for me to improve it further. So, I would like to press my amendment."

12-30  
p.m.

\* The Hon. the PRESIDENT:—"The question is—

'Add the following item (iii) to sub-section (2) of new section 129-B:—

"(iii) the advertisement consists of indecent pictures or posters which offend or are likely to offend the ordinary principles of moral code."'"

The motion was put and lost.

\* Sir WILLIAM WRIGHT:—"Mr. President Sir, I beg to move the amendment which stands in my name, viz.—

'At the end of section 129-B, the following proviso shall be added:—

"Provided that the provisions of this section shall not apply to any advertisement erected, exhibited, fixed or retained on the premises of a railway company relating to the business of a railway company."

Sir, there are two points I wish to emphasize at once in moving this amendment. One is that I am not pleading for any reduction of taxation to the railway company, but I am only suggesting that advertisements concerning railway business need not be submitted to the Corporation Commissioner before they are put up on railway premises.



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Secondly, I would like to point out that I am not suggesting that business advertisements and trade advertisements put up on the railway premises should not be submitted to the Commissioner. They will still have to be submitted to the Corporation Commissioner for approval if my amendment is passed. In support of the amendment I would like to point out that under the Railway Company's Act, 1890, no permission is necessary from a local authority for any work done by a railway in their own premises. Section 7 of the Act reads thus:

'Notwithstanding anything in any other enactment for the time being in force the railway company may make or construct in, upon, across, under or over any lands, or any streets, hills, valleys, roads, railway or tramways, or any rivers, canals, brooks, streams or other waters, or any drains, water-pipes, gas-pipes or telegraph lines, such temporary or permanent inclined planes, arches, tunnels, culverts, embankments, aqueducts, bridges, roads, ways, passages, conduits, drains, pipes, cuttings and fences as it may think proper.'

It certainly seems logical if the railway can do all these works within their own premises it should be allowed to put up advertisements dealing with their business without ascertaining the approval of the Corporation Commissioner. This amendment is moved to remove very practical and very obvious difficulties. One can imagine that if a part of the railway line is washed away it is necessary for the railway company to put up immediately advertisements in their own premises explaining what steps the railway has taken to re-arrange traffic in various directions. That ought not to be subjected to any delay which will occur if permission must first be sought from the Corporation Commissioner. I think this amendment is a very simple one. It merely affects the advertisements of railway companies. With these few words I commend my amendment to the House."

Mr. G. F. F. FOULKES:—"Sir, I beg to second the motion."

\* The Hon. the RAJA OF BOBBILI:—"Sir, I accept the amendment. As the House has already accepted the previous amendment, I think it is necessary to accept this amendment."

The amendment was put and carried.

New section 129-D.

\* Diwan Bahadur A. APPADURAI PILLAI:—"Mr. President, Sir, I beg to move the amendment standing in my name, viz.—

*'In new section 129-D, for the words "unless he proves that" in lines 12 and 13, substitute the words "except in cases where".'*

My object in moving this amendment is to remove the obligation which is now placed upon the owner or occupier. The clause states that the owner or occupier of land, building, wall, hoarding or structure shall be deemed to be the person who has erected, exhibited, fixed or retained such advertisement in contravention of the orders of Corporation unless he proves that such contravention was committed by a person not in his employment or under his control or was committed without his connivance. It seems unfair to hold the owner or occupier



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of land or building to be the person who has erected such advertisement for the simple reason that in most cases he is not aware of the advertisement or poster being fixed on his wall or land. If my amendment is carried it will shift this burden. When amended the clause will read thus:

‘Where any advertisement shall be erected, exhibited, fixed or retained upon or over any land, building, wall, hoarding or structure in contravention of the provisions of section 129-A or section 129-B or after the written permission for the erection, exhibition, fixation or retention thereof for any period shall have expired or become void, the owner or person in occupation of such land, building, wall, hoarding or structure shall be deemed to be the person who has erected, exhibited, fixed or retained such advertisement in such contravention except in cases where such contravention was committed by a person not in his employment or under his control or was committed without his connivance.’

“The substitution of the words ‘except in cases where’ for the words ‘unless he proves that’ would considerably modify his position. Otherwise, he will have to prove in every case that the contravention was not committed by his connivance or by his employees; and a very powerful weapon would thus be placed in the hands of the Corporation. Whenever an advertisement offending this provision appears on a building, the Corporation will certainly haul up its owner and ask him to prove that that was not committed by a person in his employment or under his control or with his connivance. It is only to avoid such a difficulty that I have suggested the amendment; and I hope the House will accept it.”

12-45  
p.m.

Rao Bahadur P. C. MUTHU CHETTIYAR :—“ஆபாசமான விளம்பரம் சுவற்றில் ஒட்டியிருந்தால் அந்த வீட்டு சொந்தக்காரர், தான் ஒட்டவில்லை என்று ரூஜூப்பித்தாலொழிய அவரே ஒட்டியதாக கருதப்படவேண்டும் என்று புதிய பிரிவில் கண்டிருப்பதை எடுத்துவிட Mr. அப்பாதுரை பிள்ளை அவர்கள் திருத்தத்தை ஆமோதிக்கிறேன்.

“ஒரு நபருக்கு பல கட்டிடங்கள் இருக்கலாம். அநேக கட்டிடங்கள் வாடகைக்கு விட்டிருக்கலாம். அந்த வாடகைதாரர் (sub-tenant ஆக) உள்வாடகைதாரர்கள் பலருக்கு விட்டிருக்கலாம்.

“நிசுரத்திரியில் ஒட்டலாம். அப்படி ஒட்டியபோது ஒட்டினவன் இன்னொன்றும் தான் ஒட்டவில்லை என்றும் எப்படி ரூஜூப்பிக்க முடியும். ஒட்டும் போது பார்த்திருந்தவர்களை அறிந்து எப்படி பிடிப்பது. அல்லது பொய்யாக ஒரு நபரை குறிப்பிட்டு சொல்வதா?

“கவர்ன்மெண்டு, கார்பரேஷன், கட்டிடங்கள், பப்ளிப் லவேடரி, இதுகளில் இரவில் ஒட்டினால் அதற்கு யாரை பொறுப்பாக்குவது. மேயர் அவர்கள் அல்லது அதற்குள் பிரவேசித்தவர்களை பிடிப்பதா?

“பலான நபர் குற்றம் செய்தார் என்று சந்தேகமில்லாத சாக்ஷியம் இருந்தாலன்றி சந்தேகத்தின் பிரயோஜனத்தை யாருக்கு கொடுப்பது என்பது இதுவரை இருக்கும் சட்டத்தின் தன்மையையும் அனுஷ்டானத்தையும் மாற்றுவதாகும். அச்ச அடித்தவர், அதன் சங்கதிகளுக்கு சம்பந்தப்பட்டவர்களை காட்டிலும் கண்டு பிடிக்க சாத்தியமில்லாததாக பாவித்து சுலபமாக சொந்தக்காரர் என்பது சோம்பலான தன்மை.

“எப்படியாவது காசு வரவேண்டுமென்பதற்காக ஒர்பலாத்காரமான அதிகாரம் வேண்டியிருக்கிறதா?”

\* Mr. R. MADANAGOPAL NAYUDU :—“Mr. President, Sir, I think that the purpose of Mr. Appadurai Pillai's amendment is to protect



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the house-owner and to safeguard his interests in the matter of these advertisements which may perhaps be put up without his knowledge or permission. I do not think that the amendment which my hon. friend moved is likely to achieve that object. The section says that unless the house-owner proves that the contravention was not committed by a person in his employment, he shall be deemed to be the person who has exhibited or retained such advertisement. This has to be proved by the house-owner and he thinks by changing the wording as suggested he has shifted the burden of proof on to the Corporation. Is it to the interest of the Corporation to prove that the owner is not responsible for the advertisement and exempt him from penalties? I do not think that it is the object with which my hon. friend has moved the amendment; and I feel that his object is not to the least extent served by the amendment he has proposed."

Mr. C. BASU DEV:—"Mr. President, I think the words 'except in cases where' are not suitable and I would suggest instead therefore 'until it is proved.' I think the object of my hon. friend is to protect the interests of the house-owner and that will not be served by the amendment he has proposed. If the words I have suggested are accepted I shall be glad to support his motion. Just a little while ago, when my hon. Friend Mr. Krishnayya Choudari moved that the owner of the premises shall be held responsible if for any reason the persons responsible for the advertisement could not be found, the whole House voted against him. I hope the House will be consistent and will accept my amendment and exonerate the house-owner who, in any case, is unable to find out that there has been any advertisement put up without his permission or knowledge. I ask, Sir, why the Corporation should not proceed against the person originally responsible for the advertisements. If the words I have suggested are accepted I shall be glad to give my support to it. As it stands, I do not think the amendment of my hon. friend can achieve the object he has in view."

\* The Hon. the RAJA OF BOBBILI:—"Mr. President, it is difficult for me to follow the exact effect of the amendment. I am afraid it will lead to further confusion. There may be many cases where the Corporation may not be able to find out who has fixed the advertisement and therefore responsibility must lie with the owner. It is open to the owner to prove that such advertisements were not put up by a person in his employment or with his connivance. Unless there is some such provision, I think that it will be very easy to evade payment of this tax to the Corporation. An opportunity has been given to the owner to prove that he is not responsible for the putting up of the advertisement and as such I think the section as it is should stand. I oppose the amendment."

\* Mr. V. T. ARASU:—"Mr. President, Sir, as regards the objection raised by the Hon. the Chief Minister that it will be impossible for the Corporation to trace out who put up an advertisement, I should

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like to draw the attention of the Hon. Minister to the provision under the Press Act by which every printed matter will have to bear the name of the press in which it was printed. When the name of the press is known it ought to be very easy for the Corporation to find out who were the persons that were responsible for putting up the advertisements. It seems to be unreasonable that the house-owners should be asked to prove that such advertisements were not put by any one of their employees or with their connivance. The arguments put forward by the Hon. the Chief Minister are not convincing."

\* The Hon. the RAJA OF BOBBILI:—"I do not follow the hon. Member. He seems to suggest that the liability must be placed on the Press. I do not see how the press could be made responsible for the advertisements. They are only concerned with the printing and they do it on behalf of certain individuals and I do not see how the press is to be penalized. There may be many advertisements on which the names of the advertisers will not be found. In such cases, of course, the primary duty would be to tax the person who had actually fixed the advertisement. But there may be cases where it will not be possible to trace such persons and the ultimate liability must rest with the house-owners."

Mr. BASHEER AHMED SAYEED:—"Mr. President, Sir, the entire scheme of this Act and also the amending Bill is that the Corporation as a statutory body must hold either the house-owner or the occupier responsible for the taxes or fees or licences that are payable to the Corporation. Unless the owner or occupier is held responsible, the Corporation will have to go in search of the person who has pasted or put up the advertisement. As the Hon. the Chief Minister pointed out, the press has only to do the printing and receive payment therefor. It is not concerned with its being pasted, put up or erected. It is the person who permits the walls and premises to be used for purposes of advertisement that should be held responsible. It will not be possible for the Corporation to go after the persons who go on pasting the notices and advertisements. They are the agents of certain individuals. The only practical thing to do in the circumstances is that we should hold the occupier or owner of the premises responsible for the advertisement.

"Mr. Appadurai Pillai's attitude was that the burden of proof should be shifted to the Corporation. I do not think that it is the scheme of any Act when it concerns any local body or Government. The primary responsibility should be on the person who allowed the advertisement to be put up. It cannot be that the Corporation should prove that it was not done by so and so. We ought to look to the person on whose land or building the advertisement is put up for the collection of the tax but it is also open to him to say that he was not responsible for it. All that is laid down in this section is that he has to prove what he says. It is not a sound principle of jurisprudence to make a local body responsible to prove that this thing



1054 A BILL TO AMEND THE MADRAS CITY MUNICIPAL ACT, 1919, FOR  
CERTAIN PURPOSES (BILL NO. 11 OF 1934)

[Mr. Basheer Ahmed Sayeed] [11th November 1935]

was done by some body else and not by the person who was primarily responsible for it. I do not think that the amendment of Mr. Appadurai Pillai could be accepted by the House in so far as it wants to shift the onus of proof on to the Corporation and not the person who has to prove that he has not contravened this section."

\* Rao Bahadur R. SRINIVASAN:—"Mr. President, Sir, the main difficulty is that there is no separate place kept apart for purposes of advertisements. In other countries a separate board about fifty feet in length and some ten feet broad is placed in various centres of the town and advertisements are displayed there. Thus town walls are kept clean. Advertisements can only be put up on these boards and nowhere else. Advertisers are charged for extension of space and number of days taken. Then if anybody goes and pastes on walls the advertisers should be held responsible. In the absence of any provision of that sort, to charge the owners of the walls, I think, is a bit unfair."

1 p.m.

\* Diwan Bahadur A. APPADURAI PILLAI:—"The principle of the owner or occupier who is unaware of the exhibition of the objectionable advertisement should not be penalized seems to be acceptable to most of the hon. Members. I beg the Hon. the Chief Minister to consider what amendment would best secure that object in view. If this can be held over for consideration after lunch it would be possible to grant my request that the owner or the occupier should not be penalized for any advertisement that might be pasted."

\* The Hon. the PRESIDENT:—"The principle has not been accepted."

Diwan Bahadur A. APPADURAI PILLAI:—"The principle has been accepted from what Mr. Madanagopal Nayudu stated."

\* The Hon. the RAJA OF BOBBILI:—"Of course I cannot undertake to accept the amendment in any modified form. But I have no objection to the matter being postponed."

\* The Hon. the PRESIDENT:—"I take it that the House is in favour of postponement."

The consideration of the amendment was accordingly postponed.

Clause 78.

Section 135.

Mr. P. V. KRISHNAYYA CHOUDARI:—"I move—

'Add a new proviso to section 135 of the Act, as follows:—

"Provided that this section shall not apply to the transactions of any co-operative society registered under the Madras Co-operative Societies Act, 1932."

"I move only that part. The Land Mortgage Banks are also registered under the Co-operative Societies Act. That is why I omit the latter part of the amendment. In Madras City they charge 2 per

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cent on every registered document or mortgage deed. The Act provides a 2 per cent maximum. Already the societies are given some sort of concession where the sale value is below 50,000. So I wish the Minister may give such concession to the societies in the city which are registered to be exempted under this provision. Government also are not taking full registration fee as they charge only half the registration fee throughout the Presidency. I feel it, Sir, that it is unjust on the part of the Corporation to charge the full amount. As it does not require much argument I appeal to the House to accept in full or at least make it a half concession as the Government are allowing throughout the Province."

The motion was duly seconded.

MR. BASHEER AHMED SAYEED:—"I rise to oppose the amendment, Sir. For one thing, the amendment is vague. I do not understand what he means by the transactions of the co-operative societies. Transactions might mean those documents executed by the co-operative society in favour of individuals or it might mean documents executed in favour of co-operative societies by individuals. I do not know what exactly is meant by transactions. I should say that transactions executed in favour of individuals by co-operative societies will be very few so that it cannot be said that the societies are paying any large amount by way of duty. In other cases, i.e., documents executed by persons in favour of co-operative societies I do not see why they should not be what they are at present. After all I have to remind the House that the Corporation has not got expanding sources of income. The sources are unexpanding and there are only three or four items, property, companies, income and other minor items of licence fees. We have made a great change in respect of companies. With regard to tax on income they have asked for a reduction and to a certain extent they have succeeded. If you are going to reduce the tax on transfers I do not see how the administration is to be carried out. The benefit that my friend wants will be negligible to the co-operative society. The co-operative society is not going to pay any tax at all. If the persons who are going to execute documents in favour of the societies are to be relieved I think the considerations of the Corporation ought to weigh more. I do not see why the co-operative societies should not pay tax. I want the hon. Members to bear in mind the interests of the Corporation and the interests of the City. We cannot curtail its powers and still want the Corporation to run efficiently."

Sriman M. G. PATNAIK Mahasaya:—"This tax seems to be levied purely on fiscal grounds. The Corporation does not seem to be rendering any kind of service to demand this tax. The policy should be to see and encourage the co-operative movement by exempting certain documents from the registration tax. Is it not consistent with the general policy that the co-operative movement should be encouraged. That is the whole question. This is purely a fiscal measure. Taking that into consideration I think it is but right that in conformity with



[Sriman M. G. Patnaik Mahasayo] [11th November 1935]

the policy of the Government no tax should be levied on documents executed in respect of co-operative societies. I think this tax should be altogether abolished. (Mr. Basheer Ahmed Sayeed: 'Why not abolish the Corporation?') If it stands on such slender basis it should be abolished. Certainly, what is the tax you get? Practically nothing. Therefore I say the amendment ought to be supported."

**Rao Bahadur P. C. MUTHU CHETTIYAR**:—"சொத்துக்களை விற்கும் போதும் அல்லது எந்தவிதமான பராதீன மார்ட்டுகேஜ் செய்யும்போதும் ரூ. 100-க்கு 2-வீதம் கார்பரேஷனுக்கு கட்டவேண்டுமாயுள்ள செக்ஷனை எடுத்துவிட தெரிவிக்கிறேன். ஒருவன் சொத்தை விற்குமல் எந்த விதத்தில் கார்பரேஷனுக்கு சம்பந்தமிருக்கிறது—புரோக்கரா, பங்காளிகளா?"

"பத்திரத்துக்கு ஸ்டாம்பு டீட்டி ஏற்படுத்திவருவது நினைக்கப்படாதா?"

"ஆதியில் 100-க்கு 8 அணு வீதம் இருந்தது. அப்பால் பனிரெண்டணு ஆயிற்று. பிறகு ஒரு ரூபாயாயிற்று. அதற்குமேல் எக்சைஸ் விவாதத்தில் வரி குறைந்துவிடுமோ என்று யோசித்து ஜனங்களுக்கு டெம்பரவரியாக போடுவதாக நினைக்க செய்து கொஞ்சமும் யோசியாது ஸ்டாம்பு ஆக்ட்டுப்படி உரிய எல்லாவற்றிற்கும் 100-க்கு 50 பர்செண்டு உயர்த்தியும் அதை ஒவ்வொரு வருஷமும் திட்டத்தில் எடுத்துவிட கதறிவரும் விபரத்தை கவனிக்காமலிருக்கும் போது திருத்த மகோதா வந்திருக்கும்போது இந்த சமயம் அந்த செக்ஷனை எடுத்துவிடப்படாது. கோவாபரேடிவஸ்களுக்குமட்டும் இந்த ஏற்பாடு கூடாதென மிஸ்டர் செளத்திரி அவர்கள் சொல்வதை ஆகேஷிக்கிறேன். ஷே சங்கத்தால் உலகம் உஜ்ஜீவித்துவிடவில்லை. அதினாலே ரொம்ப நன்மை இருக்கிறதாக இல்லை. அதற்குமட்டும் ஸ்டாம்பு ரிஜிஸ்டரேஷன் முதலிய மற்ற எந்த வரியையும் தள்ள வேண்டுமென்று விரும்புவது பொருத்தமல்ல."

"ஒரு சொத்தை பற்றி யோசிப்போம். பெரும்பாகம் சொத்துக்கள் எம்பந்தமாய் பத்திரங்கள் மாறி மாறி ஏற்பட்டிருக்கிறதை அறிந்திருக்கிறேன். சொத்து மதிப்பைப்போல் ஸ்டாம்பு வகையறு தொகை அதிகம் செலுத்தியிருக்கிறதாயிருக்கிறது. சொத்தை விற்கவேண்டிய அவசியம் பெரும்பாலும் ஜனங்கள் முடியாத தன்மையில் விற்கிறார்களென்று அறியவேண்டும். கோர்ட்டு மூலங்களுக்கு ஸ்டாம்பை தவிர மவுண்டு, பவுண்டேஜ் வேரு ஏற்பட்டிருக்கிறது. திடீரென 100-க்கு ரூ. 2 வீதம் கார்பரேஷனுக்கு கரணிக்கை கொடுக்க வேண்டுமென்பது நடு நடுங்கதக்கது."

1-15 | \* The Hon. the RAJA OF BOBBILI:—"Sir, there is no need to say P.m. much on this subject. This is not a new tax sought to be imposed for the first time. The Corporation has been levying this tax for the last 20 or 25 years. Without any figures to show what the effect of this motion will be on the finances of the Corporation, I do not think I could readily accept it. If it is a new tax imposed for the first time, I can understand the argument that the co-operative movement should be given special consideration. But this tax, as I said, has been in existence for the last fifteen years and the hon. Mover has not given any figures to show what the loss to the Corporation finances would be. The total income to the Corporation under this head would be something like Rs. 1,25,000; but I am not in a position to state what the financial effect of accepting this amendment would be. I therefore oppose it."

Mr. P. V. KRISHNAYYA CHODARI:—"Mr. President, I know I need not answer my hon. Friend Mr. Muthu Chettiyar who is a

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money-lender and a banker, and naturally he is opposed to the co-operative movement. We therefore need not take his arguments seriously.

"Sir, we have considerably increased the taxes on the co-operative movement in the City of Madras by subjecting them to the companies' tax. As such we should not throw this additional burden on that movement. The Hon. Minister asked me to show by figures the financial effect of my amendment. I am unable to give them. The Corporation executive officer would be a better person to tell us what the result of accepting this amendment would be. As far as I know purchases and sales by the co-operative banks are very few though the Hon. Minister said the other day that some 3,000 such cases were brought to his notice. The co-operative banks grant loans on the security of houses and, in these days of depression when repayments are few, they are perhaps obliged to purchase those houses. The position may be different after the depression has passed away. I think the amendment is necessary and should be accepted."

\* Mr. R. MADANAGOPAL NAYUDU:—"Sir, I want to remove one misapprehension from the minds of hon. Members. This tax applies to sales as well as to mortgages with possession. The co-operative banks advance monies on such mortgages on a large scale. Therefore if this amendment is accepted, the income of the Corporation is likely to be seriously affected."

The amendment was put and lost.

Clauses 78 and 79 were then put and carried.

Clause 80.

Section 137-A.

Mr. P. V. KRISHNAYYA CHOUDARI:—"Sir, I move—

*'In clause 80, delete section 137-A.'*

"This clause provides that with the sanction of the Local Government the Council may exempt any person or class of persons wholly or in part from the payment of any tax. I do not know the reason why the Government are anxious to have this provision. It was not in the old Act. I want to know which class of people the Government have in mind for exempting from the payment of tax. I am afraid that if this section is retained it will give room to a lot of complications in the Corporation. Of course, simply because a person is an alderman, the Corporation may not ask for Government sanction for exempting him, but they may ask for sanction for exempting ex-Mayors from taxation as a sort of doing honours to them. I want to know if such sort of people are going to be exempted. I do not know what class of persons the Government have in view for this honour.



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Whatever it is, a good lot of revenues of the Corporation will be lost by this method of showing honour to individuals. If the Government would explain their view point I shall be satisfied."

Mrs. A. RUKMANI LAKSHMIPATHI:—"Sir, I rise to second the amendment moved by my hon. Friend, Mr. Krishnayya Choudari, to delete section 137-A. Generally, Sir, in very big cities, like the City of London, it is customary for the City Council to confer on distinguished persons what is known as the Freedom of the City. I suppose this new section which has been added to the amending Bill has been put in with that object in view. But this granting of exemption from payment of taxes, if it is to be done with the previous sanction of the Local Government, will lead to invidious distinction, particularly when the Government is a party Government. We do not know where the line of distinction will be drawn. In the view of the Government one may be a distinguished person and another may not be a distinguished person. As such this section will give rise to invidious distinction, and therefore I support the motion asking for its omission."

\* Mr. V. T. ARASU:—"Mr. President, I also rise to support my hon. Friend, Mr. Krishnayya Choudari, that section 137-A should be deleted. Because this section—to borrow an American phrase—would lead to considerable log-rolling. Persons with a canvassing capacity will canvass the Corporation members and get exemption. I feel that this power, though it is subject to the sanction of the Local Government, should not be given to the Corporation. Every person who lives in the City of Madras should be compelled to pay the taxes due from him, and no sort of exemption should be given to any individual however high-placed he may be."

Mr. T. S. RAMASWAMI AYYAR:—"I am also, Sir, anxious that unless a specific case is made out for having this section, the Corporation finances should not be whittled down. We have seen how, in previous sections, many inroads have been made on the finances of the Corporation. Government have claimed exemption in certain cases. If we go on at this rate we will be crippling the finances of the Corporation. I do realize that on occasions it may be necessary that the Corporation should be able to present the Freedom of the City to some great individuals, but those occasions should be very rare. I believe those great personages while respecting the sentiments of the Corporation, will not claim exemption from the payment of tax. It would be enough if we follow the present procedure in the matter of presenting civic addresses to great persons. We have not reached the stage when the Corporation can afford to follow the procedure followed by other countries of presenting the Freedom of the City and also exempting such honoured men from the payment of taxes."

The House then adjourned for lunch.

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**After Lunch (2-30 p.m.)**

\* The Hon. the PRESIDENT:—"Is the Hon. Minister going to reply."

Mr. T. SUNDARA RAO NAYUDU:—"Is there no other speaker to speak on this motion, Sir?"

\* The Hon. the PRESIDENT:—"I regret I cannot canvass for any speaker."

\* Mr. T. B. RUSSELL:—"Mr. President, Sir, regarding the possible objections to giving powers to the Corporation to exempt certain persons or classes of persons from taxation, I quite agree that this is a power which should be sparingly used. I think that sanction of the Local Government which is provided for is a sufficient guarantee that it will not be abused and although it is not very easy to specify off hand cases in which it may be necessary to apply this section, supposing there was a fire in a poor neighbourhood, it may be desirable for the Corporation to exempt the persons residing in the neighbourhood from taxation for a certain period. A similar provision does exist in the District Municipalities Act. I do not suggest that because such a provision exists in the District Municipalities Act, it must exist here also, but it seems to me that it is a reasonable and useful provision. If sanction is provided for from the Local Government, it is hardly likely that the power vested in the Corporation would be abused. I think we may clearly rule out such possibilities. I oppose the amendment to delete the section."

Mr. P. V. KRISHNAYYA CHAUDARI:—"As the Secretary for Local Self-Government has been pleased to state that the section will be applied only in cases where a fire has broken out or things of that sort, I have no objection to withdraw my amendment provided the Government are prepared to give a guarantee that the provision will be made applicable only to such cases. The clause, if allowed to go as it stands, may be construed in different ways to suit different people. Therefore if the Government are going to modify the clause, I have no objection to withdraw my amendment."

\* Mr. T. B. RUSSELL:—"With your permission, Sir, I may say that it is hardly possible to legally provide for a guarantee which the hon. Member seeks."

\* The Hon. the PRESIDENT:—"The question is that in clause 80, section 137-A be deleted."

The amendment was put and lost.

Clauses 80, 81 and 82 were put and carried.



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Clause 83.

Section 142.

\* Mr. T. B. RUSSELL:—" I beg to move the amendment that stands in my name as follows:—

*' Clause 83 shall be renumbered as sub-clause (1) of clause 83 and the following shall be added as sub-clause (2):—*

*" (2) In clause (b) of sub-section (2) of the same section for the words, figure, letter and brackets ' no portion of any sum of money borrowed under sub-section (1), clause (a),' the words, letters, figure and brackets ' no portion of any sum of money borrowed under clause (a) or clause (c) of sub-section (1) ' shall be substituted " .*

" Sir, this verbal amendment is necessitated by the introduction of the new clause (c)."

Mr. T. SUNDARA RAO NAYUDU:—" I second it."

The amendment was put and carried.

2-45 P.M. Mr. P. V. KRISHNAYYA CHOUDARI:—" Mr. President, Sir, I move the following amendment:—

*' In section 142 of the Act, after the word " debenture " in line 3 of sub-section (1), insert the words " or from the accumulation of the provident fund account " .*

" Sir, the accumulations in the provident fund account carry only a very small percentage of interest, whereas, if the Corporation takes a loan from the Government it has to pay a high rate of interest—five or six per cent. What I suggest is, if the Corporation is permitted to borrow from the provident fund accumulations at the same rate of interest which it pays to the Government for its loans, the provident fund-holders will be benefited. There is this advantage that the Corporation instead of paying interest to the Government, will be paying interest to its own employees. This is also in the interests of the Corporation and I hope the Government will accept it."

The amendment was duly seconded.

\* Khan Bahadur JAVAD HUSSAIN KHAN SAHIB Bahadur:—" Sir, I want to know where is the provident fund to which the hon. Member from Guntur is referring and where are the accumulations in the provident fund. The Corporation has no provident fund."

\* Mr. R. MADANAGOPAL NAYUDU:—" Mr. President, Sir, I think the words ' borrow by way of debentures or otherwise ' will probably achieve the object which my hon. Friend has in mind. There is no provident fund at all at present and even if a provident fund is instituted later on, the word ' otherwise ' will do. At present we are investing the sinking fund in the purchase of debentures. We are

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using it for the purpose of loans whenever we require it. The wording of the section as it is is quite enough and there is no necessity to alter it."

Mr. P. V. KRISHNAYYA CHOUDARI:—"Sir, I moved the amendment with my experience of local boards. Unfortunately I am not a member of the Madras Corporation. In our district board we have 4 to 5 lakhs of rupees accumulated in the provident fund account, but we cannot take loans from it. If we want money we have to borrow at the rate of 7 per cent from the Government. Our accumulations in the provident fund account carry interest of only 1 or 2 per cent, whereas we have to borrow at the rate of 7 per cent. There is a difference of 5 or 6 per cent and I think it is reasonable for the Government to permit us to take loans from the provident fund accumulations. At present it is prohibited under the Local Boards Act. I thought it best to provide for this borrowing from the provident fund account under this section. But if the members of Corporation are not anxious . . ."

Mr. R. MADANAGOPAL NAYUDU:—"There is no provident fund at all."

Mr. P. V. KRISHNAYYA CHOUDARI:—"What about the sinking fund?"

Mr. R. MADANAGOPAL NAYUDU:—"We are doing it at present with regard to the sinking fund."

Mr. P. V. KRISHNAYYA CHOUDARI:—"I beg leave to withdraw the amendment."

The amendment was, by leave, withdrawn.

Clause 83 as amended and clauses 84, 85, 86, 87 and 88 were put and carried.

*Clause 89.*

\* Diwan Bahadur C. NATESA MUDALIYAR:—"Mr. President, Sir, I move that clause 89 be omitted, that is to say, that section 160 of the Act be retained. Sir, suppose a certain amount of money is budgeted for for a certain work in a particular year. If the work is partially completed and only a portion of the budgeted amount is spent within the year, section 160 says that with the sanction of the standing committee the unspent portion of the budgeted amount can be utilized next year for completing the work. Now, if that section is omitted as is proposed by clause 89, there will be difficulty. It is said that the unspent portion should be budgeted for in the next year's budget. Suppose Rs. 1,000 is allotted for a particular piece of work and by the time the budget for the next year is prepared only Rs. 500 is spent. But at the end of the year Rs. 750 may be spent. In that case, which amount is to be budgeted for for the next year: Rs. 500 or Rs. 250? There is a difficulty, especially in the case of allotments for divisional improvements. These allotments are made only when there is money available at the rate of Rs. 1,000 to Rs. 3,000 for each



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division. These amounts are utilized for the improvement of the divisions. Suppose an improvement for which a divisional allotment is to be utilized is the widening of a street or the opening of a blind lane. Then we will have to apply to the Government for acquiring the necessary portions of the lands and buildings. This process will take one year. Suppose the Collector estimates the lands and buildings and completes the process for acquisition. By that time, one year will have elapsed and if we turn round and look for the money to pay compensation for the land and building, there will be no money and money would have lapsed. We will have to budget for the necessary amount in the next year's budget. But this being a divisional allotment, it will be made only if money is available. There may be no money available next year and divisional allotments may not be given, with the result that all the trouble that the Collector took to acquire the land and make the whole thing ready for execution would have been in vain. So, Sir, I submit that section 160 is a very useful section and should not be deleted. It will save many a divisional councillor a lot of trouble. I request the Government to accept my amendment and see that divisional councillors are not put to much trouble and divisional improvements do not suffer."

Mrs. K. ALAMELUMANGATHAYARAMMA :—" I second it."

\* Mr. T. B. RUSSELL :—" Mr. President, Sir, this is a matter of considerable importance. I think that everybody who is conversant with canons of financial propriety will agree that this section is contrary to all those canons. The Government feel very strongly that it is essential that it should be omitted. As there is not a very full House at present and as the Hon. Minister is absent, perhaps with the consent of the House, the matter might be postponed for the present."

Mr. T. SUNDARA RAO NAYUDU :—" I second it."

\* The Hon. the PRESIDENT :—" I take it that the House agrees to the postponement of the matter under discussion."

Mr. P. V. KRISHNAYYA CHAUDARI :—" Sir, I object to the postponement. We have already postponed one or two things and if we go on like this, we will be confused when we take up these matters all of a sudden to-morrow."

\* The Hon. the PRESIDENT :—" I may tell the hon. Member that we are not meeting to-morrow. If it is a small adjustment, we can well agree to that. Evidently the Hon. the Chief Minister is stuck somewhere and he will be coming presently. In the meanwhile we can transact such business as we can without him but with the aid of the Secretaries and other Members. I take it that the House is agreed upon postponing the clause for the present."

Clause 89 was postponed.

Clauses 90 and 91 were put and carried.

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*Clause 92.*

**Section 164.**

\* Diwan Bahadur C. NATESA MUDALIYAR:—" Mr. President, I beg to move the following amendment:—

*' Add at the end of new sub-section (2), the following words:—*

*" and may construct new tank or tanks to meet the increasing demand of water-supply to the City ".*

" Sir, the volume of the Red Hills tank is only 2,100 million cubic feet. In addition to that, the Cholavaram tank supplies 500 million cubic feet. The inflow of water is 450 million cubic feet. Altogether we have a supply of about 3,000 million cubic feet available for the city. Of this supply, 500 million cubic feet go to irrigate the lands of people who have mamul rights over the water of the tank. About 1,200 million cubic feet may go away in evaporation and percolation. What remains for the Corporation is only a supply of 1,300 million cubic feet. At present only 25 gallons per head is the daily consumption. But that is not enough; we should have 35 to 40 gallons. Even at the rate of 25 gallons per head, it comes to  $3\frac{1}{2}$  million cubic feet of water every day. In a year 1,276 million cubic feet of water might be consumed. We have only 1,300 million cubic feet available. That is enough for the present population. Most probably in 1940, this water will not be enough. If we apportion 35 gallons per head as we ought to do, we will require 1,800 million cubic feet of water. On the other hand we have only 1,300 million cubic feet available. So, Sir, there is immediate necessity . . . . "

Mr. T. B. RUSSELL:—" May I rise to a point of order? The provision which is sought to be introduced by this amendment is already there in the Act and the discussion of the needs of water-supply is irrelevant. Section 164 (1) clearly gives the Corporation ample powers to construct reservoirs, tanks and the like. The extra section that is introduced is merely to make it clear that the Corporation has power to deal with the existing works. But I submit that the powers which this amendment purports to confer are already conferred by section 164 (1). "

\* The Hon. the PRESIDENT:—" I should like to hear the hon. Mover a little more fully before I decide the point. "

\* Diwan Bahadur C. NATESA MUDALIYAR:—" Sir, I was very mindful of section 164 (1). Only after seeing that section I tabled this motion. The section says: . . . . and may provide tanks, reservoirs, engines, mains, fountains and other conveniences within the said limits for the use of the inhabitants.' I want to say that the Corporation may do all these things within or without the city limits. It is not possible to have reservoirs and tanks in the city at present. We will have to tackle some source in the south beyond the Adyar. Within the city, where are you going to have reservoirs? Where is the place? My amendment is whether within the city or outside the city, we want tanks, we want reservoirs. "



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Mr. T. B. RUSSELL:—"There is already provision to this effect in the clause."

Diwan Bahadur C. NATESA MUDALIYAR:—"If the Government or the Corporation assures me that they are going to have another reservoir outside the city limits, then I shall withdraw my amendment. I think they are referring to tanks, reservoirs, etc., which are already there within the city limits. I think they do not mean that they are going to have new reservoirs. There is a reservoir now in Kilpauk; they mean that reservoir. If they refer to a new reservoir outside the city and if they propose to meet the increasing demands of the city, I have no objection to withdraw my amendment."

\* The Hon. the PRESIDENT:—"Section 164 (1) reads thus:—

'The Corporation may, with the sanction of the Local Government, construct, lay or erect filtering tanks, reservoirs, engines, conduits, pipes, or other works without the limits of the city for supplying it with water, and may provide tanks, reservoirs, engines, mains, fountains and other conveniences within the said limits for the use of the inhabitants.'

"If the hon. Member proposes to cover some more ground, then I shall decide whether the hon. Member's amendment may go through."

Diwan Bahadur C. NATESA MUDALIYAR:—"Sir, I want an assurance from the Government that they do not refer to the reservoirs in Kilpauk or in the city. If they say that there is provision for having another tank or reservoir outside the city for meeting the increasing demands of the city, I have no objection to withdraw my amendment."

Mr. T. B. RUSSELL:—"Sir, on behalf of the Government, I cannot assure the hon. Member that Government will provide them but I can and do assure him that they have powers to do so."

\* Mr. R. MADANAGOPAL NAYUDU:—"Sir, Dr. Natesa Mudaliyar says that the reservoir in Kilpauk is referred to in the clause. The clause refers also to reservoirs without the limits of the city. Therefore the clause will cover new tanks which he contemplates for supplying water to the city from outside the city limits, in addition to the Red Hills tank. I therefore say that the amendment is superfluous; the necessary provision is already there. The clause does not refer to places which are located only within the city. It provides for having reservoirs, tanks and many other such things outside the city to supply water to the city."

\* Diwan Bahadur C. NATESA MUDALIYAR:—"Sir, what I have definitely stated in the amendment is 'to meet the increasing demand of water-supply in the city.' In 1940 we should have  $1\frac{1}{4}$  times the quantity of water we are having to-day. After the assurance given, I withdraw my amendment."

The amendment was, by leave, withdrawn.

Clause 92 was put and carried.

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Clause 93.

Mr. C. BASU DEV:—"Sir, I beg to move the amendment standing in my name. The section which I propose to amend reads thus:—

'(5) For all water supplied under this section, in excess of a maximum determined by regulations of the standing committee, payment shall be made at such times and under such conditions as may be laid down in such regulations and shall be recoverable in the same manner as the water and drainage tax.'

"The present method of charging for excess water, works great injustice. My amendment is a modest and reasonable one; it runs thus:—

*'In sub-section (5) of section 169 of the Act, after the words "shall be made at such times and under such conditions as may be laid down in such regulations," the words "shall be made every three months calculated from the total consumption during that period" shall be inserted.'*

"During some months persons may consume considerably less than what is allowed free of charge; in some other months, they may consume something more than what is allowable to them. If a person is charged for consumption over and above the water allowed during a period of three months at a time, it will be more just and it will relieve distress. I hope the Special Member will advise the Government to accept this amendment."

Mr. G. R. PREMAYYA:—"I second it."

\* Khan Bahadur JAVAD HUSSAIN KHAN SAHIB Bahadur:—"Sir, even when we issue bills for the collection of water-tax once a month, there is no dearth of people who try to avoid payment or to delay them as far and as much as possible. After the bill has been sent once, when a reminder is sent a second time, they write and say that the demand should have been sent in time. If further demand is made, they say they cannot afford to pay, because the amount has accumulated and that it is the Corporation's duty to come and collect it in time. Such being the case, the acceptance of the amendment of the hon. Member will only lead to injuring the interests of the Corporation. For these reasons, I oppose the amendment."

\* Mr. R. MADANAGOPAL NAYUDU:—"Sir, there are difficulties in the way of accepting this amendment; people occupy a house and vacate it in a month or two. If you are going to collect the tax only once in three months, there will be great difficulty in the matter of collecting the tax. As it is, the Commissioner finds it difficult to collect the tax. There are numbers of cases where the tenants have to pay this tax and they go away leaving the whole burden on the owner of the house; so, the tax is not collected in several cases. If we are to wait for three months every time, it will be much more difficult. Even in the interests of the house-owners, it will not be advantageous if water-tax is collected once in three months."



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Mr. C. BASU DEV:—"Sir, I do not agree with Mr. Madanagopal Nayudu. As regards the arguments of the Commissioner, I must say that his observations are not supported by facts and figures. He has not given us any facts. What is the amount of money collected for consumption of excess water? From my experience I can say that, if the tax for excess water is collected once in three months, it will considerably lessen the work of the Corporation; I think that will be a more equitable arrangement and persons will not be asked to pay more. If the quantity of water consumed within a period of three months is taken into account, people may not have to pay as much tax as they are paying now for excess water. I once again request the Government to accept my amendment."

\* The Hon. the RAJA OF BOBBILI:—"Sir, I do not think I need answer this point. I feel that this is a matter which has to be regulated by rules framed by the Corporation."

Mr. C. BASU DEV:—"I withdraw my amendment."

The amendment was, by leave, withdrawn.

Clauses 93 and 94 were put and carried.

*Clause 89—cont.*

\* The Hon. the PRESIDENT:—"We will go back now to clause 89 which has not been disposed of. Mr. Natesa Mudaliyar's amendment to omit clause 89 is for the discussion of the House."

\* The Hon. the RAJA OF BOBBILI:—"Sir, I think this is a very important matter and it has to be put in line with other enactments; we have to follow the same procedure as is followed in such cases by the Government and other bodies. In the interests of both the Government and of the Corporation I have to oppose the amendment."

\* Mr. R. MADANAGOPAL NAYUDU:—"Sir, I wish to point out that the apprehensions of my hon. Friend, Mr. Natesa Mudaliyar, are not really so serious as he wants to make them out. It is only a question of difference in procedure. Hitherto, these amounts when they lapsed were not brought over to the next year's budget, but were available for expenditure during the next year. What the Government propose to do is to carry these amounts to the next year and make them available for the same purpose for which they were intended. It is merely a matter of procedure. We have been told by the Secretary of the Local Self-Government Department that this is the proper way of proceeding in the matter. We may accept this procedure. Nothing will be lost if this amendment is not accepted. If several councillors have taken up several works which have been referred to by Mr. Natesa Mudaliyar, I may inform him that the moneys which were once allotted will be available to them for the very same purpose for which they were allotted during the next year."

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\* Diwan Bahadur C. NATESA MUDALIYAR:—" Mr. President, my only fear is this: there is divisional allotment given to every councillor for the improvement of his division, but that depends on the money that can be spared every year after apportioning a lakh and fifty thousand or so, to the reserve fund. One year it may be Rs. 2,000; another year it may be Rs. 1,000 or in a third year there may be nothing at all available. So, if we ask the Collector to acquire the land and afterwards find that there is no money available, there will be great difficulty. In the division I represent on the Corporation, for opening up a blind lane, I requested the Commissioner to take steps; the Commissioner did so and Collector has made arrangements, I believe, to acquire the lands and buildings. Everything is ready. Thank God, there is a chance of the work being carried out this year; but supposing it is after passing this Bill, Commissioner may not have money to pay the compensation. If, however, Mr. Madanagopal Nayudu and others think that although there is no money available for the division, they can somehow get the money, I have no objection. My point is that in the Corporation of Madras, the divisional councillors will be put to great difficulty; but, as I said, if the Government assure us, if the Commissioner assures us and if Mr. Madanagopal Nayudu assures me that it will be easy to arrange for the money in the following year, I have no objection to withdraw the motion. I do not want to press the amendment, Sir."

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The amendment was, by leave, withdrawn.

Clause 89 was put and carried.

*Clause 77—cont.*

The Hon. the PRESIDENT:—" Mr. Appadurai Pillai's amendment which was postponed is for discussion."

• Diwan Bahadur A. APPADURAI PILLAI:—" I withdraw the amendment."

The amendment was, by leave, withdrawn.

Clause 77, as amended, was put and carried.

*Clause 96.*

Diwan Bahadur C. NATESA MUDALIYAR:—" Mr. President, Sir, this amendment of mine is not to be withdrawn. I request the Government to accept it. The amendment is—

' Delete section 171-A.'

" Sir, stinting water for domestic purposes is most unhygienic. It will lead to dirt, disease and most probably death. Already water is being stinted for the citizens of Madras. They want 35 gallons at least per head per day; but in our city, even in hot days, water is being supplied at 25 gallons per head. In most of the months, the Commissioner is rationing water to the city; he gives water only from 5 a.m. to 11 a.m. and again from 3 p.m. to 10 p.m. Between the



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hours 11 a.m. to 3 p.m. and 10 p.m. to 5 a.m. no water is allowed. Apart from this, owing to difference in levels in certain parts of the city, and also on account of distance from the pumping station, although the Commissioner gives water between 5 a.m. and 11 a.m., absolutely no water is coming in the taps from 6 a.m. to 8 a.m.

“ Another important point is: the distribution pipes were laid some twenty or thirty years ago. Mr. Madanagopal Nayudu corrects me by saying 50 years ago. In one place, when we dug out the distributing pipe it was so choked up that there was only a small hole left in which we cannot even introduce our finger. If the supply is metered, a parsimonious owner of a house in which there are in some cases 70 persons living, may lock the taps, and thus practically no water will be available for these 70 persons. There may be only two taps in the house, and two flush-out latrines. Where is the water for all this? Wash away, wash away, wash away—is the glory of hygiene, but where is the water? Sir, between the rationing of water by the Commissioner and the levels in the various parts of the City, with the parsimonious house-owner and the accretion in the pipes, do you expect that we will have any water at all?

“ Again, Sir, as an anti-malarial measure, most of the wells in the city are closed, and we are not having well-water. So, that source also is gone.

“ Then there are the coffee-hotels. Coffee-hotels ought not be metered. After all, people run coffee-hotels without much profit. Some of them in a few years have become insolvents and run away from the city. In a way they are obliging our residents; whenever people are thirsty or hungry, they go into these coffee-hotels and get relief. The hotel man is a charitable man and he feeds them and gives them water. Our Commissioner does not allow even the coffee-hotel man to use well-water for fear of sub-soil contamination. So, if the meter is introduced, who suffers in the end? It is naturally the man who goes there to drink water or to eat anything when he is hungry. Another important point is: as soon as anybody sips coffee or any drink from a cup, it is to be washed well and put into hot water and then to be used. Where is the water for all these things? Our Commissioner will not allow them sufficient water even in the hot months. Therefore, the hotels should not be metered. It is an undesirable action to meter coffee-hotels. If a house is metered and if there is only a little water allowed, only a few people will suffer; but if hotels are metered, there will be hardship for a great many people. Apart from that, suppose a syphilitic man sips from a cup and the cup is not washed well for want of water, hotels will be centres of disseminating that disease. So with other contagious diseases. I therefore appeal to the authorities that hotels should not be metered.

“ It was stated that the cost of metering would come to about Rs. 10 lakhs and the meters may or may not work well. Sometimes the meter shows nothing and sometimes it shows too much. It is not certain

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whether the Corporation will lose or gain on account of this metering. The need is for more and more water, not a restriction of the available quantity. Use this Rs. 10 lakhs on buying the ayacut lands round about the lake, so that 500 million cubic feet of water may be made available to Madras City. We have been struggling and we have been approaching Government. They will not come down and help us to buy the ayacut lands around the Red Hills lake. The proprietors of those lands have earned a right to have their lands irrigated from the Red Hills lake water. Buy off those rights. Or, if there is much more money available, why not the Government form tanks near about the city at a cost of at least Rs. 20 or Rs. 30 lakhs? We will all be very thankful if the Government of Madras will do it. With these words, Sir, I request the Government not to oppose this amendment, give more water to the city and to make our citizens healthy."

\* Mr. C. BASU DEV :—“ Sir, I second the amendment. In doing so, I desire to state that this question of metering water consumption has been responsible for an excitement of the public of Madras to an extent not yet heard of. (An hon. Member: ‘What is your age?’) I am 40 years now, and I think I am sufficiently old.

“ Mr. President, Sir, even at the Select Committee stage, some of us fought hard against this provision but were not successful. I think the Hon. the Chief Minister told the House some time back that very soon we were going to have a Public Health Act which would impose fresh and severe obligations upon the people to keep the city in a sanitary and hygienic condition. If that is so, we are bound to have and we must have an adequate supply of water to carry out these obligations of a civilized society. My hon. Friend, Dr. Natesa Mudaliyar, as an experienced medical man, told the House that if we are to live in a civilized condition, we want about 35 gallons of water per head on an average every day. I think I am right in saying that we are now having in Madras not more than 20 or 25 gallons per head, and that is the maximum quantity we can dream of either now or in the future. It is not contended by anybody in this House that this city is not developing. The new Mambalam scheme over which several lakhs are expended will bring in an increased population which is bound to make the water problem a very acute and serious one in the near future. How will the Corporation find the additional water if they do not think of new tanks or extension of the present one? I am no doubt aware that there is considerable waste of water in the city by ignorant and indifferent persons who do not realize their responsibilities. But it is one thing to check the waste and another to introduce metering. It would be far better to appoint a number of sergeants to be in charge of the various divisions to check the wasting of water. To meter every house with more than two taps involves an expenditure of about Rs. 20 lakhs. As has been already suggested by Dr. Natesa Mudaliyar, if this amount is utilized in extending the bed of the Red Hills tank or in investigating the possibilities of another tank in the southern part of Madras, I think



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it will be a more constructive and useful method of spending the money of the Corporation or the Government. Further, I understand that wherever meters were installed in mufassal municipalites, there have been considerable complaints that these meters have not been properly recording the consumption of water. This is a matter for experts to enlighten the House on, and I am sure when the hon. the Special Member speaks on this important amendment, he will doubtless place at the disposal of this House not only facts regarding the possible increase in the finances of the Corporation but also the way in which these meters are working. I also understand that the Government were approached by some municipalities for permission to substitute the meters by a flat-tap rate system. I think that is the system which is now becoming more and more popular. If that is so, and if the Government have accepted the proposal of the Sanitary Engineer and of the various municipalities to substitute a flat-tap rate system for the metering scheme, I do not see why in this city we should be asked to spend an enormous amount in buying meters which after all may not record correctly or at least the reading of which cannot be also wholly correct. The general impression is that these meters are not properly recording the flow of water. I therefore second this amendment, Sir, in the hope that it will be finally accepted by the Government."

\* Mr. T. SUNDARA RAO NAYUDU:—" Mr. President, Sir, let me place certain salient facts before this Hon. House for their consideration before they come to any final decision on this matter. There has been of late a mischievous propaganda set up against the Government by the opponents sitting on the other side without knowing anything on this subject. Sir, if you carefully follow the arguments which I propose to place before this House you will be convinced . . . "

3-30 P.m. Mr. V. T. ARASU:—" You have just begun and we have not heard your arguments . . . "

\* The Hon. the PRESIDENT:—" The hon. Member may go on. Probably he will take a long time and so he may go on uninterrupted."

Mr. T. SUNDARA RAO NAYUDU:—" Sir, you will be convinced that the attitude taken by the Government in this connexion is not after all very unreasonable. The Madras Government have given up to-day to the Madras Corporation a free grant of about 40 lakhs of rupees and a loan of about 45 lakhs of rupees at a very low rate of interest for the capital works to be executed by the Corporation of Madras. The Red Hills tank which had a capacity of a very few million gallons of water has been improved by the Madras Government to hold about three thousand million cubic feet of water at a cost of about 18 lakhs of rupees several years ago. The Madras Corporation has not contributed anything towards that amount. The construction of the Tamarampakkam anicut, the bridge, the sluices therein, the channel that connects the anicut to the Sholavaram tank and from there to the Red Hills tank, the Macneill channel and the two tributaries, namely, Usikal and Kattangal,



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have all been constructed and dug at the cost of the Government. Originally, the storage of water both at the Red Hills tank and also at the Sholavaram tank was not intended only for the City of Madras, but it was equally intended for the use of the riparian owners of lands round about the two tanks. Sir, the ryots round about the two lakes are as much entitled to the use of this water as the City of Madras. As it is, Sir, the Government have been showing a rather step-motherly affection towards these poor cultivators. (Mr. V. P. Narayanan Nambiyar: 'Hear, hear.') In case of drought, they are not given the water to which they are entitled; and the City's demand is always given preference. I know in several cases crops which were two months old had withered away on account of the restriction put by the Government. We, perhaps, may not have any right to ask the Government why they should not stop all water to the riparian owners under the two lakes; but where is the justification for the Government to have these restrictions imposed, till they acquire the whole of the ayacut area and convert the wet lands into dry ones once for all? If that is done, the ayacut owners will have no right to ask the Government to give them the water; but until then, they should be allowed the use of the water to which they are entitled. By an arbitrary Government Order issued by the Government, the supply of water to these ryots have been further reduced and they are not now allowed to take the water after the level of the water in the lake reaches plus 38 mean level.

"I may now take you to the capacity of the tank and the amount that is utilized for the various purposes. The capacity of the Red Hills tank and the two lakes, I should say, is 2,513 million cubic feet of water, and the average inflow in the off-season is about 500 million cubic feet of water, amounting in all to about 3,000 million cubic feet of water.

"Sir, as regards consumption, let me also place before you certain figures. The city consumption comes to 1,236 million cubic feet of water per year; the water that is used for irrigation purposes is 500 million cubic feet of water, and the water that is taken away either by evaporation or by percolation comes to 1,264 million cubic feet of water. (Mr. V. M. Ramaswami Mudaliyar: 'Is it per day?') No, Sir, it is for the whole year, because it is not possible to calculate the quantity of water taken away by evaporation in a day.

"Mr. Madeley who is the author of this scheme anticipated that only in 1961 there will be a population in the City of Madras of about  $6\frac{1}{2}$  lakhs and the daily consumption would then come to  $16\frac{3}{4}$  million gallons of water; but to-day, Sir, we have got about  $6\frac{3}{4}$  lakhs of people and the consumption of water has exceeded beyond all expectations and it is now about 22 million gallons per day. The consumption of water in 1913 was only 10 million gallons per day; in 1923 it was 15 million gallons per day; and to-day the daily consumption is about 22 million gallons of water; that means to say there has been an increase of 7 million gallons in the course of 12 years' time. This, Mr. President, is due to various causes, namely, the introduction of the flush-out latrine system in several divisions of the City, the Royal Swimming Bath in the



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People's Park, the increased consumption of water by the two mills—the Buckingham and Carnatic and the Choolai mills, the Port Trust authorities, the Railway companies, the use of water for industrial purposes, soda-water factories, coffee-hotels, Government hospitals and for other non-domestic purposes, the increase in the number of public fountains, the introduction of extra taps in the various cheris, the use of water by the several way-side parks which have been recently started and the water used by the fire-engines when they combat fires which have become a very frequent and common phenomenon in the City of Madras of late, water used for the construction of new buildings in the city which works out on an average of 1,000 buildings in a year, the wastage due to the frequent cleaning of the pipes in the distributory system, water used for watering roads and streets on festive occasions, for making new roads, for reforming old roads and streets of the length of about 430 miles and for other municipal purposes, the leakages in the distributory system and to several other causes which I am unable to mention at present.

“Sir, the City is growing by leaps and bounds. It will not be surprising to note that after the introduction of the compulsory flush-out system in the whole of the City, the consumption will rise to about 28 million gallons of water per day and if the consumption should rise to that height, how is the Corporation to cope with that demand? This is the question now before us. We shall have either to raise the full tank level of the lake or not to allow any water to the riparian owners of lands round about the two lakes, Sholavaram and Red Hills. The first thing is not possible since the bund has been already raised to the maximum level and any further rise will mean the re-building of the bund of the lake from its very foundations at an enormous cost. There again, the troubles with the riparian owners of lands round about the two lakes will not cease. The second thing is possible at a cost of about 20 or 25 lakhs of rupees, that is the purchasing the whole of the ayacut area and re-selling the same as dry lands. This is under the consideration of the Government.

“When the Government find that the Corporation is going headlong and that it may not be possible for it to cope up with the demand, should they not point out to the Corporation that it should devise some ways and means for the restriction and control of the use of the water? It has been brought to the notice of the Government that much water is being wasted by the people unknowingly, since the civic conscience of the people is still not very much developed. You know, Mr. President, that we are having screw-down taps in the City of Madras. When the people open the taps during the nights and when they find that no water is coming out of it, they do not take care to see that it is screwed down again, but they leave it as it is, with the result that water begins to flow during the early hours of the morning without the knowledge and notice of the people that are residing in the house. Moreover, Sir, much water is being wasted by people bathing underneath the taps and misused in several other ways which I shall mention later.



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“ You must remember, Sir, unfortunately we have not got a duplicate system of water-supply, one for the use of non-domestic purposes and the other for drinking purposes. The water that is supplied by the Corporation is filtered and sterilized with a very small dose of chlorine. This process costs the Corporation a very huge sum, and people do not understand it and waste water rather indiscriminately. In Bombay and Calcutta on the other hand, Mr. President, they have got the duplicate system of water-supply. But in those places, the water used for drinking purposes is not wasted at all, because as a result of the regulations framed by the Bombay and Calcutta Acts, water intended for drinking purposes cannot be used for non-domestic purposes at all, unless they pay very heavily for that. Even in those places, they have the metering system. In no municipality where there is a protected water-supply we are not having the metering system. Sir, one advantage we have got in Calcutta and Bombay is this; in Calcutta, they give a free allowance of 26·7 gallons of filtered water per head and 20 gallons of unfiltered water per head. That means, they are getting on an average of 46·7 gallons of water per head. Whereas, in Madras according to the Madeley scheme, we are allowed only about 25 gallons per head per day. By the tests made by the Corporation in the streets and several other places in the City during nights between 12 midnight and 4 a.m., it has been found that several taps have been kept open during night and water is allowed to run waste. Do you want that such precious and valuable water should be wasted like this and the person responsible for it should not be asked to pay for his carelessness? The supposed loss of water in this direction according to the statistics supplied by the Corporation is about 2 million gallons of water per day. I want my hon. Colleagues and yourself, Sir, to suggest a method by which we can check such a wastage and charge such consumers.

“ Then, again, Sir, if the wastage is detected and charged, we will get some income; and if such wastage is stopped, 2 million gallons of water need not be pumped out by the Drainage department. Mr. President, Sir, you must take two things into consideration; by having restriction, you need not pump in at the Kilpauk pumping station 2 million gallons of water, and you need not pump out 2 million gallons of water by the Drainage department.

“ The cost of pumping in and pumping out is the amount gained which will be about 2 lakhs of rupees. If the Corporation wants the Government to purchase the whole of the ayacut area at a cost of Rs. 20 to Rs. 25 lakhs, I do not know how the Corporation is going to repay even if half the said amount is to be contributed by Government by way of grant? What is the present position of the Corporation? I am not here to betray the Corporation. The finances of the Corporation are not very good. We are not in affluent circumstances. We are also experiencing the same difficulty as the Government and are not in a position to make both ends meet. Recently the Government asked the Corporation to revise its estimates and balance its budget this year. The Commissioner of the Corporation is explaining to the Government how he

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has balanced the budget. Sir, we are going to remove the cycle-tax next year. That means a loss of income of nearly half a lakh of rupees. On account of the recent amendments made with regard to the collection of the companies-tax and exemption given to the co-operative societies whose share capital is less than Rs. 50,000, the loss of income to the Corporation will be about one-fourth of a lakh. (Mr. P. V. Krishnayya Choudari: 'Is it not a new tax?') On account of the rivalry in the Corporation about ten years ago between the Justice and Congress groups in the Council when each party wanted to have to its credit the resolution reducing the property-tax, the Justice party, the party then in power in the Corporation, reduced the taxes by about  $3\frac{1}{2}$  per cent and balanced the budget. The Corporation then had a large opening balance. That year and the subsequent year everything went off very well."

Mr. V. P. NARAYANAN NAMBIYAR:—"Sir, is the gentleman in order in reading his speech?"

\* The Hon. the PRESIDENT:—"The hon. Member is making an important statement. If hon. Members do not want the facts and figures I shall stop him from reading his speech."

Mr. T. SUNDARA RAO NAYUDU:—"But later on, when the wants of the City grew, the Corporation was not able to balance the budget. No doubt the tax has also gradually increased on account of the education cess, etc., but the old rate of taxation has not yet been reached.

"In these days of economic depression even the existing tax is rather high. I shall not be a party to any increase in the taxation. My rate-payers cannot bear any further taxation. We cannot therefore increase the taxes. The amendments so far passed have reduced the income. The Government of India would not allow the Corporation to levy the terminal tax. There are no other sources of income to the Corporation. If the Corporation borrows again another 15 lakhs of rupees for acquiring the ayacut area, it has to set apart about Rs. 1,20,000 every year both for the interest and sinking fund. The Corporation has applied recently for another loan of 11 lakhs of rupees for cheri improvements. It has to set apart another lakh of rupees for interest and sinking fund. I do not know where the Corporation will get the money from.

"It is not the intention of the Government to put meters to every house and tease the people to pay for the water consumed. The Government have suggested to the Corporation that by metering all houses which have more than two taps, the Corporation may get an income of over Rs. 3 lakhs.

"By restricting the supply by meters as I have already remarked there will not be much wastage due to negligence or carelessness of the consumer during the day or night. The quantity of water pumped out by the sewage drains and pumped in at the Kilpauk pumping station will be lessened by about 7 to 8 millions of gallons per day and there will be a gain of about 2 lakhs of rupees per year on that score.

A BILL TO AMEND THE MADRAS CITY MUNICIPAL ACT, 1919, FOR 1075.  
CERTAIN PURPOSES (BILL NO. 11 OF 1934)

11th November 1935] [Mr. T. Sundara Rao Nayudu]

“ The Government are prepared to allow the necessary amount of free allowance for all domestic consumption either on the basis of the annual valuation of the property or at so many gallons per head which may be fixed by the rules that may be framed hereafter.

“ The Government are even prepared to accept a flat rate of eight annas per month per each tap over and above one tap in each house. This may also yield an income of nearly 3 lakhs of rupees.

“ I now want to take you, Sir, to the two different methods of getting an income from the water consumed in the City.

“ There are at present 44,000 services and of these 2,500 services are metered. The present income from metered services is Rs. 6,75,000. Of this amount the Buckingham and Carnatic Mills pay Rs. 1,75,000; the Port Trust Rs. 1,00,000 and Railways Rs. 1,00,000 totalling Rs. 3,75,000 and the balance of Rs. 3 lakhs is derived from other metered services. The average income from each garden bungalow is about Rs. 100 per annum.

“ Sir, I take the other aspect of it. There are at present 22,000 services with more than two taps. 2,500 services have already been metered. The remaining services that will have to be metered are 19,500. The capital expenditure for purchasing and fixing 19,500 meters at a cost of Rs. 60 per meter is Rs. 11.7 lakhs; recurring expenditure for interest, sinking fund, repairs to meters, etc., at Rs. 22-8-0 per meter per annum is Rs. 4.38 lakhs, the income from meter rent and excess water charges at Rs. 42 a year is Rs. 8.19 lakhs and the net profit is Rs. 3.81 lakhs or say Rs. 20 a meter per annum.

“ There are at present 12,000 taps in houses having a valuation of Rs. 100 and above and 68,000 taps in houses where the valuation is less than Rs. 100, totalling 88,000 taps. If out of these one tap is allowed free and the rest to be taxed at 8 annas per tap per month, there will be 36,000 taps to be taxed. The income from this will be Rs. 2.16 lakhs per annum. If no tap is allowed free, the income will be nearly Rs. 4 lakhs, leaving out the metered services.

“ If houses above Rs. 50 valuation are to pay for all taps and those below Rs. 50 are allowed one tap free the income will be as follows:—

|                                                  | RS.             |
|--------------------------------------------------|-----------------|
| Those above Rs. 50—15,000 taps at Rs. 6 each ... | 90,000          |
| Those below Rs. 50—35,000 taps at Rs. 6 each ... | 2,10,000        |
| Total ...                                        | <u>3,00,000</u> |

“ Sir, I may first mention here the advantages and disadvantages of these two systems.

“ The advantages of levying tap-rent charges are as follow:—

- (1) No additional staff is necessary for collection of rents. The excess can be included either in the property-tax bill or collected monthly whichever is convenient.



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(2) There is no initial capital expenditure as in the case of fixing meters which will come to nearly Rs. 12 lakhs, and also the recurring expenditure of Rs. 4·3 lakhs.

“ The disadvantages are—

(1) Tap-rent will not reduce the consumption of water.

(2) Unequal distribution of water will increase resulting in an intermittent supply.

“ Sir, I should mention here the advantages and disadvantages of metering.

“ The advantages are—

(1) Meters will be a check on the consumer and will tend to prevent waste and reduce the consumption.

(2) Due to such reduction, water will be more evenly distributed.

(3) There will be a saving on the cost of reduction of water pumped into the City and sewage pumped out of the City to the extent of 7 to 8 million gallons a day. This is estimated to be over Rs. 2 lakhs, an indirect benefit to be derived from metering. This advantage cannot be derived from the tap-rent system.

“ The disadvantages of metering are—

(1) The capital cost of purchasing and fixed meters, etc.

(2) Additional staff for meter reading, billing and collection and repairs to meters.

(3) Difficulty of the landlord in apportioning the water charges among various tenants.

(4) The income from partial metering will not be steady. Many house-owners will reduce the number of taps to two and avoid metering.

“ These are the things to be considered, Sir, before we come to any final decision on this matter.

“ Having explained so far about the metering and the tap-rent, let me bring to your notice, Sir, the other side of the picture, the rate-payer's point of view. The Corporation is collecting from the rate-payers a fixed rate of taxation, viz.,  $1\frac{1}{4}$  per cent, and is getting an income of Rs. 2 lakhs and odd. The income derived from meter and other sources is about Rs. 7 lakhs. The expenditure incurred by the Corporation for filtration and for paying for the loans so far raised by the Corporation from the Government and for the staff is Rs. 6·95 lakhs. If the Corporation raised a further loan of Rs. 15 lakhs for purchasing the ayacut area round about the two lakes, it could easily set apart a sum of about Rs. 1,20,000 which is available in the amount derived from water-tax, etc. Why should we not get a free supply of water? Another argument raised by the rate-payer is that the Corporation purchases water from the Government at the rate of one-tenth of an anna and

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charges the public at the rate of Rs. 1-4-0 for 1,000 gallons in excess of the free supply. But the rate-payers do fail to understand that the Corporation is one body politic and we cannot divide one section from the other. Take for instance the road and lighting section of the Corporation. We spend Rs. 6 lakhs for tarring and maintenance, etc., of roads and nearly Rs. 3 lakhs for the electric energy used for lighting the City. Do we get any return? No. We should not look at it from that aspect of the question at all.

4 p.m.  
4 m.

“My strong objection for metering is based on other grounds. By putting up a meter to the dwelling houses the health and sanitation of the City will be seriously jeopardised. The people will neither bathe, nor wash their clothes and houses in the way in which they have been accustomed to do. The landlord will screw down the main service connection in such a way that the consumption of water is kept up to the free allowance he is entitled to. In a house where there are many tenants they would not have sufficient water for their ablutions even though the tap is kept open the whole day and night and the water is stored. I may invite your attention, Sir, to the deplorable state of affairs in every private market in the City of Madras. There is a meter in every market. The market-owner is bound under the conditions of the licence issued to him to wash the market twice and to keep a tap open to the public before a latrine attached to the market. Sir, you can take it from me that no owner of a market ever keeps the tap opened. It is kept always under lock and key and opened whenever he sees the sanitary inspector at a distance. The result of this metering is that the private markets of the City are to a great extent responsible for the breeding of every disease in the City. The same history will be repeated by every landlord when he is unable to recover the water charges from his tenant. You must remember, Sir, the water charge is also recoverable as arrears of property tax, not to make mention of the drastic and coercive powers which the Commissioner has, to cut off any service connection from the mains if he chooses to do so.

“By reducing the number of taps to two, every landlord of a house will avoid a meter and the consequent payment of charges and other penalties. The Corporation will not get the anticipated income of Rs. 3 lakhs in any case. You will be only worrying the poor rate-payers.

“With the recent improvements made in the Tamarampakkam anicut by increasing the number of vents by five and raising the embankment and widening the channel that connects the Kolaliyar river with the Red Hills lake *via* Sholavaram, the two lakes are now filled up within three weeks when there are good rains in the catchment area of the river. There will be no dearth of water in the lakes at any time hereafter. When once they are filled to full tank level, if the water is not used for irrigation purposes, there will be a storage of two years' supply of water to Madras in the two lakes. It cannot be that there will not be any rain during the course of two years consecutively. We can always



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be certain of a sufficient quantity of water in the two lakes for the City use alone. There is no use storing such a great quantity of water in the lake. The Sun God will not keep quiet. He will consume it by evaporation. This will only lead to an adoption of a dog in the manger policy. You will not allow water to needy cultivators, you will not give a free supply of water to the citizens of the City, but allow it to be evaporated and go in vain. This will be the logical consequence of your metering the dwelling houses.

"My friends in the mufassal should not be jealous of the special treatment to the City. Go to any capital of the native State and find out the colossal wastage of money by the Rajas and Maharajas. The Taj at Agra, one of the wonders of the world, the Mumtaz Mahal, the Shajahan Palace at Delhi, the whispering galleries at Bijapur, the ruins of Vizianagar at Hampi, are some of the standing monuments of the glory of the ancient kings and emperors. How many crores of rupees are spent for the developments made at New Delhi, the Capital of India? The Viceregal Palace at New Delhi has recently been built at a cost of a crore of rupees. My mufassal friends should not grudge if the Government gave more grants to the Corporation than to the mufassal towns and villages. I would earnestly beg of the Hon. the Chief Minister not to stint in the matter of giving grants to the City.

"During the regime of the Hon. the Chief Minister not only in the coming year, but after the new reforms are inaugurated, we all earnestly hope to see that the whole of the ayacut areas round about the two lakes are acquired and converted into dry lands, the City is given a free supply of water for domestic purposes, the distributory system is completely overhauled, the whole City is provided with the flush-out system, the underground drainage system is completed, the compulsory education scheme is rigidly enforced and illiteracy wiped out; that he will fight out with the Government of India and get us the right to levy terminal tax and thus improve our finances without burdening the poor tax-payers any more and earn the eternal gratitude of one and all the citizens of Madras.

"In conclusion, I submit that metering of dwelling houses where water is used for domestic purposes will be injurious to the health and sanitation of the City. The Corporation will never be able to realize the income it anticipates. The very purpose for which the meters are fixed will be frustrated.

"I suggest that a duplicate system be introduced at a very early date for non-domestic purposes, that a wastage-detection staff be appointed to meter all places where there is wastage and use for non-domestic purposes. The other sources of water-supply should be tapped, viz., the spring area round about the Seven Wells Division, the bed of the Adyar river, nay even the Cotlyar river. I have made all these and several other suggestions in the scheme sent by me through the Corporation when I was a Chairman of the Standing Committee, Works, in the Corporation. By these methods we can remedy the



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evils and get a more copious supply of water for domestic purposes. I place all these suggestions before the House and I would request the House to give its deep consideration to these proposals."

**Rao Bahadur P. C. MUTHU CHETTIYAR** :—"மதராஸ் டவுனில் எல்லா வித சர்வீஸ்களுக்கும் வீடுகளுக்கும் தண்ணீர் சப்ளை செய்யும் விஷயமாய் மீட்டர் வைக்கவேண்டுமென்று பில் வந்திருப்பதை எடுத்துவிட ஹானரபிள் மெம்பர் டாக்டர் நடேச முதலியாரவர்கள் அமெண்டுமெண்டை நான் ஆதரிக்கிறேன். மிஸ்டர் பாசுதேவ் ஏதோ ஒன்றை மாம்பலம் எக்ஸ்டென்ஷன் வீண் சிலவு போல சொல்லுகிறார்."

**Mr. C. BASU DEV** :—"I never spoke anything against Mambalam."

\* **The Hon. the PRESIDENT** :—"The Hon. Member has been answering to the extent to which he was able to understand."

**Rao Bahadur P. C. MUTHU CHETTIYAR** :—"நண்பர் ஹானரபிள் மிஸ்டர் சுந்தர ராவ் நாயுடுகாரா சொல்வதை கவனிப்போம். கார்ப்பரேஷனில் குடிக்கிற அல்லது டொமஸ்டிக் உபயோகத்துக்கு தண்ணீரை அளந்து விற்கவேண்டிய அவசியம் தோன்றியதைப்பற்றி சொல்லவேண்டியிருக்கிறது. மிஸ்டர் பிரசிடெண்டு அவர்களுக்கு இந்த அமெண்டுமெண்டை விட்டிராய் சொன்னாலும் ஒத்துக்கொள்ளமுடியாது. ஏற்கனவே வீட்டுவரிக்குமேலே தண்ணீர் வரி சேர்ந்திருக்கிறது. இதன்னியில் ஒவ்வொரு குழாய்களுக்கும் ஒரு விதமான வரியும் ஏற்பட்டிருக்கிறது. கிளப்படி முதலியதற்கு இருக்கிற மீட்டரை எடுக்க யோசனை இருக்கும்போது இதை எல்லாம் மறந்தார்போலும். 'குடி தண்ணீருக்கு வரி போட தண்ணீரை அளந்து கொடுக்கவேண்டிய சமயம்வந்ததே'. என்ன ஆச்சர்யம்! ஜனங்களுக்கு சானிடுஷன் என்ன! பப்ளிக் ஹெல்த் என்ன! இவைகளுக்காக லோகல் செல்பு - கவர்ன்மெண்டு ஏற்படுத்தியிருப்பது உண்மையல்லவோ! ஜனங்களுக்கு ஒரே வழியில்லாது அநேக வழிகளாக தொந்திரவு அடைகிறோமென்று இருக்கையில் இம்மாதிரி சம்பவமும் பொருத்தச் செய்யலாமா?"

"ஆனரபிள் மிஸ்டர் சுந்தர ராவ் படித்த ரிப்போர்ட்டில் ஒன்று வெளியாகவில்லை. அதாவது மேல் நாட்டில் எங்கேயோ ஒரு கம்பெனியில் ஏராளமாக மீட்டர்கள் செய்து விலையில்லாது கிடக்கிறதாக நினைக்க இடமாகிறது. அது சில வாக இதை யோசனை வந்திருப்பதாக எண்ணுகிறேன். மீட்டர்களுக்கு 11 லக்ஷம் கிரயம் ஆகலாம் எனக் கூறுகிறார். இது எஸ்டிமேட்டுப்படி நடக்குமா? இன்னும் அதிகமாகிறது கஷ்டம்தான். கால் கோடிக்கு வரும். கம்பெனிகள் உத்தேசித்து வந்த ஸ்கீமோ தோற்றம்."

"தண்ணீரைக் குடித்து உபயோகிக்கிறதற்கு இவ்வளவு நிர்ப்பந்தம் வருவானேன். இப்படி செய்தால் கார்ப்பரேஷன் கஷ்டம் நிவர்த்தியாகுமென்கிறார். எப்படி இதை வரவு சிலவு செய்து வசூலிக்கிறதென்பதில் எட்டு லக்ஷம் வரவில்லையென்றால் லக்ஷம் சிலவு நீக்கி நாலு லக்ஷம் வரலாம் என்கிறார். என்ன கனவு கண்டார்கள். இது நடக்காது. இதனால் அதிக பலன் வருமென்று நினைக்க வேண்டாம். ஒட்டையாகிற காரியம் அனுபவத்தில் அறிவேன். சுமார் 300 சென்சு ரூபாய் மீட்டர்க்கு கொடுத்து வாங்கி வைத்திருக்கிறது. அந்த மீட்டர் அழகோ, அது காண்பிலிக்கிற அந்த முள்ளோ, அதைக் கணக்கு செய்கிறவர்களின் புத்திசாலித் தனமும், அவர்கள் அரிச்சந்திர பரம்பரையும் பாராதவர்கள் மெச்சத்தான் வேணும்."

"நண்பர் தண்ணீர் வீணாகப்போகிறதென்கிறார், ஒருக்கால் அவர்கள் யோசனை என்ன? நாம் தந்த சுத்தி செய்யக்கூடாது; புருஷினால் துடைத்து கொள்ளவேண்டும்? ஸ்நானம் எதற்கு, வீடு சுத்தம் ஏன் செய்ய, சமயல் பாத்திரத்தை கழவி கீழே விடுவது ஏன்! ரொட்டி விற்கும்போது சமயல் வேண்டாமே! புரோமோ பேப்பர் இருக்கும்போது துடைச்ச துடைச்சப் போடாமல் சொசம் எதற்கு செய்யவேண்டும்! துணிகளை கச்சுக்காதே என்று சொல்லா



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மல் கியாலன் கணக்குகளை மிகர் பிகராக நண்பர் வாசித்தார். இனி விருந்தினர்கள் வந்தால் அவர்களுக்கு ஜாக்கிரதையாக வீட்டுக்காரர்கள் புதிய அரசாங்க முறை வந்தாலும் வந்தது அப்பா உடம்பை நனைக்காதே இதோ புரோமோ பேப்பர் இருக்கிறது. இதுவும் ஹோ அண்டு கோவில் கிராக்கியாய்விட்டது. துட்டு கொடுத்தாலும் பிரியம். ஹாசிசனில் வாங்கிய ரொட்டியை சாப்பிடு. ரசம் வைக்கக்கூட முடியவில்லை என்று சொல்லவேண்டும் போலிருக்கிறது.

“நண்பர் வாட்டர் வீணாக போகிறது என்கிறாரே மனிதர் உபயோகித்தாலும் வெளியேதான் வரவேணும் ஆடு மாடு நாய் கழுதைக்கி எல்லாம் வரி மட்டும் போடலாம். அதுக்கு தண்ணீரே தேவையில்லை. கேட்டால் வானத்திலிருந்து வரும்போது உண்ணவேண்டும்.

“டிரையினேஜில் சேர்கிற தண்ணீரும் அதை சுத்தம்செய்து ஒரு சாகுபடிக்கு பிரயோசனமாகிறதாக எண்ணப்படாதா. பூர்வாசரணை கிணற்று ஜலம்தான் சுத்தம் என உபயோகித்து வந்திருக்கிறார்கள். அதை சிந்திக்க வேண்டியதுதான்.

“இப்ப வாட்டர் வருவதில் சிறிய பூச்சிகளைத் தவிர ஒரு சமயம் சிறிய மீன்களும் வருகின்றன.

“ஜனங்கள் அதிகமாய்விட்டதென்கிறார். அதிகம் ஆகப்படுவதா? அதற்கு தகுந்த வரும்படி வரவில்லையா.

“முன்னொரு பேச்சாய் வந்தது பர்த்து கண்டிரோல் எதற்கோ.

“நமது சபையில் மெம்பர்களும் அதிகமாகிறதுடன் சபையும் ஒன்றுக்கு இரண்டாக போகிறதே.

“ரெடிஸ்ஸில்சில் அதிகப்படுத்தவோ அதை சுத்தம் செய்யவோ வேண்டியது அவசியந்தான். தண்ணீர் எவாப்பரேட்டாய் போகிறதென்றால் காற்று குடுத்து விடுகிறது அல்லது கவர் செய்து வைக்கிறதா. பாம்பை வகைறு மாதிரி பிஸ்டர் செய்து வருகிறதா.

“உங்கள் வாட்டர்தான் ருஜாக்கள் விஸ்ஸு அம்சமே. இருந்தாலும் குடித் தண்ணீரில் ஜனங்களுக்கு விரோதமாக உபயோகிக்கப்படாது.

“இருந்தாலும் 40 லக்ஷம் இனமாகவும் 40 லக்ஷம் கடனாக கொடுத்ததும் பற்றி சொல்கிறார். தண்ணீரை அளந்து விற்க வேண்டுமென்ற உத்தேசத்திற்க்கல் அப்படி எண்ணினால் அதிக ஆசை.

“வேலை நீரோன்றே. ஆரு கால் குளம் கூவல் எனப் பேர் மாறி பாறில் வரன் பயிரெலாம் வளர்க்கும், என ஆன்றோர் மொழி.

“குடி தண்ணீருக்கு இம்மாதிரி வருவதை யறிந்தே வானமும் 3, 4 வருஷங்களாக பின்னடைந்து விட்டது.

“உலகத்தில் பரிசுத்தமான தர்மம் தண்ணீர் பந்தல் என்று நாயனார். காட்டிய படி குளம் கேணிகளை ஜனங்களுக்கு உற்பத்தி செய்து கொடுத்தலும் தண்ணீர் பந்தலை நடத்துவதும் அறிகிறோம்.

“நண்பரவர்களிடம் சில தினத்துக்கு முந்தி பேசும்போது மீட்டர் வைப்பது சரியல்ல வென்றும் சொன்னார்கள்.

“ஆனால் அவர்களுக்கு கிடைத்த காயிதத்தை வாசிக்கத்தான் வேண்டும். முதலில் ஒரு அபிப்பிராயத்தை கொடுத்தார்கள். மத்தியில் தன் அபிப்பிராயத்தை காட்டினார்கள். “கடசியில் மத்தியஸ்தமாக சொல்கிறார்கள். இது வெல்லாம் சரியல்ல. பொதுவாக மதிராசில் நாலு லக்ஷம் ஜனங்கள் இருக்கலாமா. மிஸ்டர் ஆனரபில் மெம்பர் மதனகோபால நாயுடுகாரு 6½ லக்ஷம் என்கிறார் சரி நபர்கள் யெட்டை ஆரு அணு யென்று பயன் போடப்படாதா.

“இந்த தொந்திரவு இந்த டவுனல்லாது இதர ஜில்லாவையும் பிடிக்காதிருக்க தகுந்த யோசனை செய்யவேண்டும்.

A BILL TO AMEND THE MADRAS CITY MUNICIPAL ACT, 1919, FOR 1081  
CERTAIN PURPOSES (BILL NO. 11 OF 1934)

11th November 1935] [Mr. P. C. Muthu Chettiyar]

“இப்போது ஹாலில் போருமானபடி ஆனரபிள் மெம்பர்களில்லாததால் பூரு மெம்பர்களும் கூடிய சபையில் யெல்லாரும் இம்மாதிரி வர இணங்க மாட்டார்க ளென நினைக்கிறேன்.

“ஆதலால் அடுத்த ஜெனவரிக்கு தள்ளிவைக்க வேணும். அல்லது இந்த செக்ஷன் தயவு செய்து எடுத்துவிட வேண்டியது நியாயமாயிருக்கிறது.”

\* Mr. K. A. NACHIYAPPA GOUNDAR:—“ Mr. President, Sir, at the very outset I beg to state that I heartily support the motion that is now before the House. I do not want to wade through the old history of the City water-supply as was done by the hon. Member representing the City. He went on in his own way giving out a good lot of figures bearing on the City water-supply, as to how much had been spent, how much is in store and so on and so forth. I was not able to understand from his long and wearying note what his ultimate view is on the matter. In conclusion he said that the matter was left before us for consideration. For this he need not have so elaborately discussed the question. I presume he had reduced to writing the whole Secretariat and Corporation files on this City water-supply question from the very beginning. I think the whole House will be thankful to him for his laborious task. But, in all this I cannot find much to prove that the system of metering is essential. Beyond saying that there must be some check to avoid wastage, he did not give sufficient arguments to support the case for metering as against the numerous difficulties this system will entail. Surely, restrictions on the supply of water will bring in all sorts of complaints in the matter of public health and hygiene of the City. If this is the attitude of the hon. Member he could have straightway declared that he was against metering. I cannot understand why he should struggle to explain both sides of the question and then allow others to decide. He should be much more interested in the welfare of the City than we people coming from the mufassal. We mufassal people come into contact with the City only occasionally and hence he should view this question with more sympathy than we. He simply went on saying that Government had given large amounts by way of loans and grants.”

\* The Hon. the PRESIDENT:—“ The hon. Member need not commit the same mistake by repeating the arguments advanced by the other hon. Member whom he is accusing.” (Laughter.)

Mr. K. A. NACHIYAPPA GOUNDAR:—“ Though we are always fighting for more grants to the mufassal municipalities we do not grudge any grants to the City of Madras. With regard to the ayacut, as pointed out by Mr. Natesa Mudaliyar, the ryots need not be put to difficulties when you once pay them the compensation. If that is done we will have more water in the tank and it will be to the convenience of the City. As far as purposes other than domestic are concerned, the hon. Member told us that already 2,500 houses are metered, and this shows that there is already a check on the supply of water in all ways except for domestic purposes. He further said that 19,500 houses



[Mr. K. A. Nachiyappa Goundar] [11th November 1935]

4.30  
p.m.

having more than two taps were likely to be metered according to this scheme. At the rate of Rs. 60 per meter as he said, it comes to about Rs. 12 lakhs. If you add to this the cost of fixing and various other incidental charges, the total cost will be several lakhs more. Yet another aspect of the matter should also be considered. I have to issue a warning that they will have to allot several lakhs more to meet the public health demands of the City if water is to be restricted. By this sort of stringent restriction on the free use of water, there will be epidemics and to combat the same you will have to spend lakhs and lakhs. After all, the people will also have their responsibility and they won't waste water if propaganda is carried on and thereby they are made to understand their responsibility in this affair and the difficulty which they will have to meet if wastage is continued. Instead of this, if we are to restrict the supply by introducing the spare use of water it will bring in all sorts of complications and complaints in regard to the health of the City. The other day, when we were dealing with the question of franchise to tenants and sub-tenants, we heard a good deal about the number of people living in each house and so on and so forth. We were told that five to ten or even more families lived in each house on account of the high rents for houses. If now we decide that houses which have more than two taps should be metered, it will mean that no landlord will have more than that number of taps in his house to escape the meter charges and the result will be that these five to ten families that live in each house will have to depend upon these two taps only for all the water that they require for their domestic purposes. They will have to undergo all sorts of difficulties for water. With a view to see that water scarcity is not felt and that no wastage occurs, the system of metering proposed is neither sound nor wholesome. If people waste water, they should be made to feel their responsibility by means of propaganda and they may be plainly told that such practices would result in their suffering for want of water. If the matter is explained to them, they will realize their responsibility and will be careful and thus the wastage can be checked to a considerable extent.

“ My. hon. Friend, Mr. Muthu Chettiyar, has elaborately dealt with the importance of a copious water-supply, and it is not necessary for me to cover the same ground over again. I hope hon. Members will view this question with sympathy. After this clause was noticed in the Bill, we hear a great agitation from the citizens of Madras protesting against it and it is our duty by our action on this matter to see that the public mind which is now much perturbed is set at rest. This proposal will affect the poor people very much and, as all sections of the House are in sympathy with them, I hope they will translate their sympathy into action. The motion to delete section 171-A which has been proposed by my hon. Friend, Mr. C. Natesa Mudaliyar, who is a stalwart member of our Council representing the City of Madras and also a veteran Corporation councillor, shows what the feeling in the City is and what should be done in the matter. He would not, I trust, withdraw his



11th November 1935] [Mr. K. A. Nachiyappa Goundar]

motion as he said at the outset. I hope the Hon. the Raja Sahib would have realized the state of the public mind in the City on this matter and understood the complications that will set in if metering is adopted.

“ Furthermore, Sir, it must be remembered that we have constructed for the City an underground drainage system at a considerable cost. If water-supply is to be restricted, I am afraid, this underground drainage system will fail and the health of the City will be very much affected. That is another point to be borne in mind.

“ My. hon. Friend, Mr. Sundara Rao Nayudu, said that a large sum of money is wasted on pumping out and pumping in water. That is inevitable and there is no use grudging it and saving a few rupees. The question should be considered from the humanitarian point of view and not from the point of view of saving a few rupees here or a few rupees there. With these few words, I heartily support the motion.”

\* Mr. R. MADANAGOPAL NAYUDU:—“ Sir, my hon. Friends, Diwan Bahadur C. Natesa Mudaliyar and Mr. Sundara Rao Nayudu, have already said a good deal on this matter and not much remains unsaid. On one point, however, Mr. Sundara Rao Nayudu was not clear to some extent and that is on the question of having meters. Some thought he was favouring it, while others thought he was against. I suppose I am correct in saying that his idea is that this provision in section 171-A is certainly disadvantageous to the citizens of Madras.”

Mr. V. M. RAMASWAMI MUDALIYAR:—“ I would like to hear the original Master's voice.”

\* The Hon. the PRESIDENT:—“ I think the Hon. Member already heard that voice.”

• Mr. V. M. RAMASWAMI MUDALIYAR:—“ That was not the original.”

\* The Hon. the PRESIDENT:—“ If the Hon. Member had followed the last paragraph, the position would have been clear.”

\* Mr. R. MADANAGOPAL NAYUDU:—“ As pointed out by Mr. Natesa Mudaliyar, the introduction of meters will cost the Government lakhs of rupees and make the Corporation suffer enormously in the income which it is already getting. It has been getting Rs. 2 lakhs and odd by way of water-tax which it will always get. The 6 lakhs of rupees which it gets from water-charges will be considerably reduced if we adopt meters. My hon. Friend read out figures to show that each meter will bring in about Rs. 20 roughly. When once meter is introduced, the landlords will be very careful and will see that they do not use more water than what they will be entitled to as free allowance. Therefore the amount of money that you are now getting will be considerably reduced, and that would result in insanitary conditions in the city. As has been pointed out by Mr. Nachiyappa Goundar, the underground drainage system requires a lot of water, and moreover the Corporation is now introducing in a number of divisions the system of flush-out. Further, as Mr. Natesa Mudaliyar said, all the



[Mr. R. Madanagopal Nayudu] [11th November 1935]

wells have been closed on account of anti-malarial operations. In view of these things, if we now adopt the system of metering, what will be the position in the City? It is going to cost the Government a lot and it is going to reduce the income of the Corporation permanently. It will put the people to untold suffering by being deprived of that quantity of water which they are accustomed to have.

“ My hon. Friends are wrong in saying that we in Madras are getting about 22 gallons per head per day. If we take into consideration the quantity of water pumped into the city, it works out to 36 gallons per head. But, as Mr. Natesa Mudaliyar said, there is a lot of leakage in the pipe system. It should be removed as soon as possible. That is why the Corporation has taken on hand what is called the Waste Detection Scheme. The Government have made a grant for this, and more money is necessary for the purpose. They will have to give us more money for this purpose in addition to what they have promised for the drainage scheme. The Government should help the Corporation in seeing that the Waste Detection Scheme is pushed ahead. For the reasons I have given, I think it would be to the advantage of the citizens if section 171-A is not retained.”

\* The Hon. the RAJA OF BOBBILI:—“ Sir, this question has been discussed at such length as its importance deserves. I may say at the outset that the real question is not whether we should have meters or not. What I wish hon. Members to realize is that unlike in Bombay and Calcutta, unfortunately we have not got an unlimited supply of water. It will be clear to any thinking man that the stage has been reached when we should in advance consider the question of providing adequate supply of water to the increasing population of the City and the increasing needs of the City. Many hon. Members spoke in this House and other public men spoke outside the House in the belief that when once we acquire the water-rights round the Red Hills tank, the problem will be automatically solved for ever and we need not bestow a second thought on the question of husbanding our resources for water-supply. It must be remembered that as far as water-supply from the Red Hills is concerned, the Government have been consistently giving preference to the requirements of the City and the real question is about the supply of water to the second crop. Water for the second crop is being given only in years when there is water to spare. As regards supply to the first crop, there is no difficulty in a year of normal rainfall. The whole problem is to tide over the dry period of the year when the capacity of the reservoir is just sufficient to meet the future requirements of the City.

4-45 p.m. “ And this provision has been put in by Mr. Conran Smith, who, all of us are aware, has had considerable experience of the Corporation. I have no doubt that there will be unanimity of opinion that some measures to prevent wastage are necessary.

“ Of course some hon. Members have suggested that we should go back to the tap-rate system. I believe, even now, it is open to the



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Corporation to have the tap-rate system, but that is not going to solve the main problem of conserving a limited supply of water. It has also been held that taxing the people on the tap-rate system is not a fair and equitable method, because the volume of water discharged by a pipe of a given size depends upon the pressure which, every one is aware, varies considerably in different places of the city. If we want to have a scientific method of assessing the tax to be levied in accordance with the volume of water, I suppose the only instrument we should have is meter. I agree that meters are not always accurate, but human ingenuity has not yet been able to devise a meter which is perfect and on that account we should not condemn the existing meter. We should not assume that all other countries and other cities in India where they have adopted the system of metering are all wrong. I do realize that there are special difficulties in the case of houses where there are a large number of sub-tenants and if we are to enforce a system of compulsory metering, no doubt it will lead to restricting the free supply of water and consequently it will be a great hardship to the tenants living there. But I feel that it is not impossible to devise a system whereby the poor people will not be affected. Now, the main question comes to this: are we to say that the supply of water should be free to all tax-payers? Unfortunately if we cannot have a free supply of water without paying for it, the cost of it must come from somewhere. Of course, if we are not to have meters for the great majority of house connections in this City and if we are not to adopt any measure for the economical use of water, it ultimately means that the tax-payer in Madras is not going to pay for it; or indirectly, if we take into consideration the large grants which the Local Government are giving to the Corporation, it means that the general tax-payer will have to foot the bill. I only wished to place all these facts before the House. It has also been stated that the Corporation has to invest a sum of 30 or 40 lakhs of rupees in putting meters. In some of the public meetings which have been held, it has been stated that Government are compelling the Corporation to invest this sum of Rs. 30 lakhs without any corresponding return. I have got a few figures to show that if, according to the amendment which has been approved by the Select Committee, the system of having meter is enforced, the cost of the same will be 8 lakhs of rupees, and the Corporation will be making an annual profit of Rs. 2,40,000 or Rs. 2,38,000. Therefore on the question of cost, this will be a remunerative enterprise as far as the Corporation is concerned. Some people—I do not mean to say in this House, but outside—have even gone to the length of saying that the object of this amendment is to help certain firms who would be supplying meters to the Corporation. I may state that the main purpose of this Bill is none of these things, but that, in the interests of the Corporation and in the interests of the residents of the City of Madras, it is necessary, by husbanding our resources and by devising methods, to make provision for the increase of population in the future. It is with that object that this proposal has been brought forward. I was rather disappointed to find from the speeches made on this



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amendment that no workable alternative has been put forward. Of course if it is the general desire of the House that we should leave things as they are and maintain the *status quo ante* and leave the future to its fate, I for one would not like to go against the wishes of the House. But I would only state that Government in putting forward this proposal in the Bill did not have any ulterior motive but had only the best interests of the Corporation at heart. It is not a question of supporting what is contained in the Bill, nor is it a party measure. If the House is unanimous that we should maintain the *status quo ante*, I for one would not raise any objection."

The amendment was put and carried.

\* The Hon. the PRESIDENT:—"Consequent on the deletion of this particular section, some amendments may have to be brought forward to other clauses of the Bill."

\* The Hon. the RAJA OF BOBBILI:—"Yes, I will have to move them only at the next meeting."

\* The Hon. the PRESIDENT:—"The Council is adjourned to 11 a.m. on the 27th January 1936, subject to any unavoidable alteration of which due notice will be given."

R. V. KRISHNA AYYAR,  
*Secretary to the Legislative Council.*

வாய்மையே வெல்லும்  
TRUTH ALONE TRIUMPHS

11th November 1935]

## APPENDIX.

[Vide answer to question No. 529 asked by Mr. M. B. Rangaswami Reddi at the meeting of the Legislative Council held on the 11th November 1935, page 1029 supra.]

*Statement showing the savings effected by the introduction of the cine camera method during 1934.*

| District or Registrar's office.    | Pay of permanent clerks reduced on account of the scheme. |   | Stationery. |    |    |
|------------------------------------|-----------------------------------------------------------|---|-------------|----|----|
|                                    | RS.                                                       |   | RS.         | A. | P. |
| Madras-Chingleput district .. .. . | 23,440                                                    |   | 3,236       | 12 | 0  |
| Coimbatore .. .. .                 | 1,130                                                     |   | 390         | 11 | 0  |
| Salem .. .. .                      | 2,260                                                     |   | 340         | 5  | 0  |
| East Godavari .. .. .              | 1,130                                                     |   | 282         | 1  | 0  |
| Guntur.. .. .                      | 1,695                                                     |   | 221         | 0  | 0  |
| Total ..                           | 29,655                                                    | + | 4,470       | 13 | 0  |
|                                    |                                                           |   | 34,125      | 13 | 0  |
| Expenditure under the scheme ..    |                                                           |   | 31,567      | 10 | 3  |
| Savings ..                         |                                                           |   | 2,558       | 2  | 9  |

வாய்மையே வெல்லும்  
TRUTH ALONE TRIUMPHS



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SIXTH SESSION OF THE FOURTH LEGISLATIVE COUNCIL

29th to 31st October, 1st, 2nd, 4th to 9th and  
11th November 1935

Volume LXXXVIII

Nos. 1 to 12.

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